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ENGLANDS

GRIEVANCE DISCOVERED,

IN RELATION TO THE

COAL TRADE;

WITH THE

MAP OF THE RIVER OF TYNE, AND SITUATION OF THE
TOWN AND CORPORATION

OF

NEWCASTLE:

THE TYRANNICAL OPPRESSION OF THOSE MAGISTRATES,
THEIR CHARTERS AND GRANTS; THE SEVERAL
TRYALS, DEPOSITIONS, AND JUDGEMENTS
OBTAINED AGAINST THEM;

WITH A BRIEVATE OF SEVERAL STATUTES PROVING REPUGNANT TO
THEIR ACTINGS; WITH PROPOSALS FOR REDUCING THE EXCESSIVE
RATES OF COALS FOR THE FUTURE; AND THE RISE OF
THEIR GRANTS APPEARING IN THIS BOOK.

By RALPH GARDINER,

OF CHIRTON, IN THE COUNTY OF NORTHUMBERLAND, GENT.

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EDITORS' ADDRESS.

WHEN we view the numerous improvements made, within the space of a few years, in many harbours of this kingdom, by the spirited exertions of individuals, and the amazing increase of the towns of these respective ports, in wealth and magnitude, the mind is forcibly impressed with an high sense of the great advantages derived therefrom.

The extensive coal-mines of this country have caused this port always to be considered of the first consequence ; not only on account of a great part of the kingdom being supplied therefrom with that necessary article, but for the immense number of ships, necessarily employed, being the first nursery for seamen in the island ; and when we reflect that the increasing trade and affluence of this town and port, depend so much upon the preservation of the river, the serious attention of all concerned therein, ought certainly at all times to be directed to every improvement it is capable of receiving.

The design of the liberal author of the following ingenious work, hath been, it evidently appears, to evince the utility of such improvements in this
country ;

EDITORS' ADDRESS.

country; as well as to remove many existing grievances of that period; on which important subjects, no one has more eminently distinguished himself.

After some degree of difficulty in our search for it, we have been favoured with an original copy; and being repeatedly solicited thereto, by a number of respectable gentlemen, have reprinted the whole *verbatim*, with exact *fac similes* of the author's map of the river, and curious prints, together with portraits of the respective kings and queens, &c. and now offer it to the public on as reasonable terms as the nature of such chargeable undertakings will admit of.

Newcastle, Oct. 29, 1796.

FOR

FOR HIS HIGHNESS

OLIVER, LORD PROTECTOR

OF THE COMMONWEALTH OF ENGLAND, SCOTLAND,
AND IRELAND, &c.

MAY IT PLEASE YOUR HIGHNESS,

THE nation, finding your fatherly care over them, in the well ordering, and governing, according to the laws, statutes, and customs; endeavoring peace, causing justice and law to be equally administred, have cause, and do bless God for the same,

Upon serious consideration whereof, I shall not dare, or presume to use arguments, to induce your highness, to lend an ear, to hear the nations grievance, or what may be presented for its good; but do humbly present herein, some collections of records, taken out of most judicatures, concerning the abuse of the coal-trade, the burrough, and corporation of Newcastle upon Tine, its charters, evidences, and depositions; proving thereby general wrongs, and insupportable burdens, viz.

First, forcing people to lose their lives, others to swear against themselves, others to cut purses in their courts for gain, and all to themselves; illegal

and false arrests, and imprisonments; refusers of bail, and disobeyers of *habeas corpus*; great and usual impositions, and arbitrary fines; contemners of your law; judges, jurors, and witnesses in their own causes; converting all fines, felons goods, and wrecks, to their own use; destroyers of that famous river of Time; forcing ships and boats to sink, and imprisoning those that dare to succor them; ingrossers of all coals, and other commodities, into their own hands, from the inheritors, by patent; with other irresistible oppressions, like to the Spanish inquisition, and practice of the high commission, and star-chamber; being put in execution, at this day, in that town, by command of the magistrates, and other their officers; and what they cannot do, by force of their charter, amongst themselves, against any private person opposing, then, by combination, ruin them at law, by their delatory plea, and out-pursing them; to the high dishonor of God, and your highness, and tending to the peoples undoing.

Humbly beseeches, for the glory of God, the fame of your law, the contentment of the free people of England, the preservation of trade and navigation, and increase of your public revenue,

II. That no confirmation bee of that towne of Newcastle upon Tines charters, or usurped powers; but that a speedy remedy be had, either by *quo warranto*, or otherwise; and their magistrates may suffer, according to their offences.

III. That no arrests be made in that town, except by process from above, or under forty shillings; by reason they understand not the law, and commonly their judges will master reason.

IV. That

IV. That commissioners of sewers in Northumberland, and county of Durham, be forthwith impowred, for the preservation of that river; otherwise it will be quite choaked up, and thereby no coals to be got, but at excessive rates.

V. That an *ad quod damnum* be granted, for a market at Shields, which will prevent the loss of many a poor souls life for the future.

VI. Or that a revival of that never to be forgotten statute, 11 Rich. 2. cap. 7. for a free trade to all, which voided all monopolies and charters, as being the greatest grievance in a commonwealth, &c. It will not onely make this your nation equivalent with Venice, Holland, and other free rich states, in riches, but preserve timber, and reduce coals under 20s. the chalder all the year at London, but also augment to your publique revenue above 40000l. per ann. in that very port of the river of Tine.

VII. That your royal protection be granted to such who prosecute a cause in behalf of your highness, from the hand of violence, during the time of their prosecution. That the clause in the 21. k. James, chap. 3. viz. for all informations upon penal statutes to be prosecuted in the respective counties, be voyd; by reason the judges, *alias* sheriffs, are the offenders, and no right can be got against them; the honorable judges of both benches hands being tyed up, for want of an appeal, obstructed by the aforesaid statute.

VIII. If their charters, and illegal privileges be confirmed, undoubtedly it will sacrifice the peace of your nation, lessen your interest with the free-born, weaken your power, loose the bonds of a quiet government,

government, extirpate the pure laws, and advance disorder and confusion; it being humbly conceived this happy change of government voids their charters, (they being no laws, but merely prerogatives) to Englands comfort.

IX. That sheriffs and their substitutes may be liable to the punishment of perjury, for breach of their oath, in denying bail to such as are capable; for not returning writs of *habeas corpus*, and other their false returns, as others in other natures.

X. And that a law be created for death, to such that shall commit perjury, forgery, or accept of bribery.

XI. All which are laid at your highness and councils feet, to do as God shall direct, for the relief of the oppressed.

Ever subscribing myself,

A servant to your highness,

And the publique,

RALPH GARDINER.

TO

TO THE READER.

COURTEOUS READER,

I SET not out the map of the river of Time, for ships to steer their course by; but for a demonstration to such judges as may be appointed regulators of the great abuses done thereunto; nor the effigies in my book, for other corporations to act the like by; but that the irregular proceedings therein, and cruelty of this corporation of Newcastle, may the plainer appear; not onely to his highness, and council, parliament, admiral, army, judges, gentry, but also to the commonalty of the nation; that they may expel out of their thoughts such tyranny as is there enacted, by charter law; being nothing more of my labours and pains than what I am bound in duty, and conscience, for the relief of the oppressed; resolving with Gods assistance to continue so doing, to the uttermost of my power. Probably I may have omitted some circumstances relating, yet am I confident nothing comprehended but the naked truth; and what omissions are in this, in my next will appear, (if I miscarry not, by an unknown hand). I doubt not but some person, may answer this in print, or require further satisfaction therein; I am ready to receive the one, and declare the other; but well I know, the truth hereof cannot be disproved; such may (if they please) whose natural dialect is detraction, apt to stain and sting with calumny and slander, sooner than make a just defence, to joyn issue upon, to stand and fall by (as I am by this) challenging any to brand me with the least of injustice I ever did them; being ready with my fortune to make good what I prosecute. The thing I aim at, is a right understanding between the free and unfree men of England; a perfect love, every one injoying their own, and
to be

to be governed under our known and wholesome laws, as also an obedience thereunto; and not by a hidden prerogative, alias charters.

It being a wonder there dare be such presumption in this corporation, to exercise such insolencies, which were the greatest obstructors of our nations liberties, by garisoning that town. The mayor, aldermen, and recorder, with the burgeses, and others, against the free-born of England, which prohibited all trade, from the 9th. day of January, 1642; to the 14th. of November, 1644, in that port; which caused coals to be four pound the chaldron, and salt four pound the weigh; the poor inhabitants forced to flie the country, others to quarter all armies upon free quarter; heavy taxes to them all, both English, Scots, and garisons; plundered of all they had; land lying waste; coal-pits drowned; salt-works broken down; hay and corn burnt; town pulled down; mens wives carried away, by the unsatiable Scots, and abused; all being occasioned by that corporations disaffection; and yet to tyrannize, as is hereafter mentioned; I appeal to God and the world.

RALPH GARDNER.

CHARTER

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JOHN.

CHARTER LAW,

WITH ITS

PRACTICE DISCOVERED.

CHAP. I.

NEWCASTLE UPON TYNES PATRON.

KING JOHN,

Surnamed without land, raigned 17 yeers and 7 monthes, died 19. daie of October, 1216, was buried at Worcester, in the 51. year of his age.

(A) **K**ING JOHN, who usurped the crown of England, was (only for formalities sake) sworn by a bishop, who being demanded the reason why he did so, said, that by the gift of prophecy, certified, that at some time, king John would take the crown and realm of England, and bring all to ruin and confusion, he pretending, the king his brother, was dead in the time of his being absent beyond sea; being the first author of charters (for gain) and people like himself, for lucre of gain, sold their birth-right, to become bodies corporate, and oppressors of the free-born people of England: For before charters were, all the free-holders of England were free to make laws for the good of the nation; but corporations

rations being subordinate to such laws, as he by his prerogative gave them, being repugnant to the known fundamental laws of England.

In the first year of his reign, dreadful tempestuous weathers by rains, that the grounds were so spoiled, that whereas corn was sold for one shilling the boule, in king Henry the seconds daies, then cost 13 shillings the boule; also an abundance of fish found dead upon the land, by the corruption of the waters, no hay could be mowed, and hale as big as hens eggs.

* See chap.
49. (B)

(B) He was an usurper, a tyrant, a bloody person, a murderer, a perjured person, a covetous person, a demolisher of famous towns with fire, and a seller of Englands supremacy to the pope*, whose reign was oppressive, and end, shame. For further satisfaction I refer you to his true history, I shall onely give a brief of some passages in his reign.

He made a law that all jews that would not turn christians should pay a certain great sum of money, or be imprisoned, and when they did turn, then they should have their money again; a young merchant paid 60l. to continue a jew, and after turned to be a christian; then he demanded his money from the king, but he being unwilling to part with money, demanded what reason he had to turn, and sent for his father and mother to dis-swade him, and to per-twade him to change again to be a jew.

(c) He gave command that all the jews in England and Wales to be forthwith imprisoned, men, women, and children, by reason they turned so fast to be of his religion, and then seized on all their riches to satise his covetous disposition, and such as would not confess where their money was, pulled out their teeth and eies, and then took the thirteenth part of all estates moveable, to war against the earls of Marsh, who desired him to forbear, but he would not, for which they dispossessed him of all his lands in France, &c.

He

He having little love to his wife Isabel the queen, was divorced, pretending she was too near of kin to him, and so took another.

(D) He murdered duke Arthur earl of Brittan, his eldest brothers son, being heir to the crown, in the castle of Roan, in France, and chased William de Branes out of England, and caused his wife and children to be starved to death, in Winsor castle.

He dis-inherited many of the nobility without judgment of the law, and put to death Ramp earl of Chester, for reproving him for lying with his brothers wife, and reproached others of his nobles, telling them how often he had defiled their beds, and deflowered their daughters.

(E) He granted to the city of London their charter, and letters pattents, to chuse their mayor yearly in the tenth year, 1210. who governs well, &c.

(F) He removed the exchequer from London to Northampton, and got a great army to go against the king of Scots, but the king of Scots met him and did him homage, and gave him his two daughters as pledges, and eleven thousand scotch marks, and upon his return took homage of the free-holders of England, and sware them to his allegiance, all above 11 years of age.

11 year 1211.

(G) He made oath to be obedient to the pope of Rome, by name Innocentius, to Randolph, his bull, who went with his nobles to Dover, where he met with the said popes bull, and there resigned the crown with the realm of England and Ireland into the popes hand; see his oath in chap. 59. (B): upon which the bishops who he had banished, returned to England, by leave from the pope. King John met them and fell flat upon his face on the ground, and asked them forgiveness, melting bitterly into tears, &c.

13 year 1212.

(H) He grants the very next year, after his power was given to the pope, unto the town of Newcastle upon Tyne, letters pattents to be a corporation, and

to hold the said town in fee-farm, at the rent of 100l. per. annum, as by the said recited letters patents, in the second chapter, more at large appears, anno 1213. (Surely this charter is not good by law, &c.)

14 year, 1213

(I) He was the cause of firing the chief town in Northumberland, called Morpeth, and caused many more towns in England and Wales to be burnt.

The barons of England being armed, demanded of him the laws and liberties granted by king Edward the confessor, vulgarly called St. Edward, he desired respite till easter, and gave sureties to perform them.

15 year.

(K) He met with the barons of England in Running Meadow, between Winsor and Stains, upon the 16. of June; granted under his hand to them the liberties of England, without any difficulty, and the whole realm was sworn thereunto; and soon after subtly and privately sends to the pope and other nations, for armies to make void those charters and liberties granted to the barons, and to subdue England, and promised them great rewards. Forty thousand souldiers, that were to have Norfolk and Suffolk, to conquer England for king John, were all cast away on the sea. The pope sends in great strength, who landed at Dover, and destroyed many towns by fire, and with the sword slew many thousands of people; the pope excommunicating the barons particularly by their names, great subversion and dissolution thereupon fell, laying all hedges and ditches level, tormenting the barons, with their wives, &c.

16 year.

(L) The barons were necessitated to send for Lewis, son to the king of France, for to come with an army to join with them to conquer king John, whose cruelties were intollerable; which was done, and king John overthrown, and forced to flee towards Lin; being poysoned by a monk at Swinsted: (The reason he gave was, that if he had lived half

half a year longer, a half-penny loaf would cost 20s.) He died, and was buried at Worcester, and 17 year. king Henry the third, son to king John, of nine years of age, was crowned at Glocester, &c.

(M) The reason of king John his granting charters in England, and making corporations, was, for that he had but little land, to raise great rents from them, and to assist him with strength by out-voting the knights of (M) the shires, as is hereafter exprest: For all free-holders of England that had forty shillings a year, met two times a year at Sessions Meadows, near Rockingham Castle, in Northampton-shire, and there made such laws as the nation was governed by, and confirmed by the king.

(N) King John resolving to have monies and aid of men, to go to Normandy, to conquer them, could not conveniently motion it, by reason of the numerousness of the free-holders, but made a speech to them, that he had contrived a very fit and convenient way, for the making laws for the good of the whole nation, which was, that by reason he conceived it a great trouble, for all them to come so far for that purpose, onely to make laws, that they would chuse two knights of every shire and county, in England and Wales, and give to them the full power of the nation, and then the said knights to come and sit with him in parliament, at Westminster, and also to allow them four shillings a day, out of the county stock, which more plainly appears in the statute of 35. Hen. 8. ch. 11. Knights to have 4s. per diem, and burgeses 2s. per diem.

(O) King John when he had got the hundred and four knights in parliament, they having the full power of the nation from the free-holders, immediately required from them, great subsidies, and armies to go for Normandy, to recover such lands as he had lost.

(P) The knights answered, they onely were intrusted to make laws, and not to tax the free-holders, who had intrusted them, and not to raise armies, and that

that by so doing, they could not discharge the trust reposed in them.

(Q) The king finding his expectation frustrated, having nothing doubted, but to have wrought his design on so small a number, mastered his passion, and not long after acquainted the knights, that he was sorry for the great burden which lay upon them for making laws, being for a publick, and that they were too few in number, and that he had found out a way how to ease them, and bring in a great renew to free the nation from impositions.

(R) Which was, that he resolved to incorporate all the great towns in England and Wales, and depute magistrates, to govern as his lieutenants, and every corporation should hold their town in fee-farm, from him and his heirs at a certain rent, some more, others less, according to the quality, &c.

(S) Also that every corporation should chuse two burgeses to sit and vote with them, in parliament, they knowing the state of every county, and the burgeses of the corporation (by which means, the burgeses being more in number than the knights might out-vote them, and vote for him) the knights meddled not therein at all, but were out-voted by these vassals and tenants to the king, they granting to him whatever he demanded, or else must forfeit their charters: And he granted to them whatever they demanded, &c.

(T) The free-holders of England were represented in parliament, by their knights in their election: And if the burgeses were free-holders, then represented in the same knights.

(V) But if the burgeses were no free-holders then no power in England to make laws, or to sit in parliament, to out-vote the true representative, which are the knights, especially representing no body further than the will of the king, who was onely to confirm laws, but not to make them.

King John had four considerations in making great towns corporations:

I To

1. To assume a prerogative.
2. To raise vast sums of money.
3. To divide the nation.
4. To enslave bodies corporate, by being his vassals and slaves.

Charters are no laws, and nothing is binding that is not lawful, no laws are made but by parliament, read stat. 2. Edw. 3. 8.

C H A P. II.

Newcastles first charter.

(A) **K**ING JOHN, by his letters pattents, dated the day of in the fourteenth yeer of his reign, and in the yeer of our Lord, 1213. granted, demised, and confirmed, to the honest men of the Newcastle upon Tyne, and to their heirs, his town of Newcastle upon Tyne, with all the appurtenances, to fee-farm, for one hundred pounds, to be rendred to the said king and his heirs, at his Exchequer, (to wit.) at the feast of easter, fifty pounds, and at the feast of St. Michael other fifty pounds; saving to the said king, the rents prizes, and assizes in the port of the said town. Further he grants to them, and confirmeth one hundred and ten shillings and sixpence of rent, which they have by the gift of the said king, in the said town, of escheats, to be divided and assigned to them, who lost their rents by occasion of a ditch or trench, and of the new work made under the castle, towards the river or water, so that thereof they might have the more, that lost the more, and they that lost the lesse, should have the lesse. He also granted to them, for him and his heirs, that in nothing they should be answerable to the sheriffe, nor to the constable, for those things which belong to them, as the said charter testifieth. Wherefore he willeth and firmly commandeth, that the said men

men, and their heirs, may have and hold the same town with its appurtenances to fee-farm, for the said hundred pounds yearly to be paid, as is aforesaid, well and in peace, freely, quietly, and intirely, with all liberties and free customes, which they were wont to have in the time of king Henry the 2. father of the said king John, as by the said letters pattents appeareth. The said king John was the cause of burning Morpeth, the chief town in Northumberland, and many more towns in Wales, because of the enmity between him and the family of the Bruces, who originally were planted in Wales. Wherefore the said charter made by the said king John, to the said honest men of Newcastle upon Tyne, cannot be valid in law, because in the fourteenth yeer of his reign, he subjected himself to be a vassal to the pope of Rome, as is aforesaid, and for many other reasons mentioned in the said charter itself, considered in themselves.

In this charter of king John, that he grants to the honest men of Newcastle upon Tyne, he mentions not the port of the river of Tyne, from Sparhawk, at Tynemouth-bar, upon the sea, to Hadwyn-streams, above Newburn, in Northumberland; neither is there so much as one syllable, whereby the said king grants to them the two third parts of the said river, or any of the fishing, between the said places, &c.

C H A P. III.

(A) **K**ING HENRY the third being earnestly supplicated by the good men of Newcastle, to confirm king Johns charter, which was done upon the second day of July, in the year of our Lord, 1234. the said king Henry did not inlarge their jurisdiction at all, but onely grants them the charter, in the very same words as king John had in his charter granted.

(B) King

(B) King Henry the third, by his letters pattents, under the great seal of England, dated at Westminster, the first day of December, in the three and twentieth year of his reign, upon the good men of Newcastle's supplication, thought it fit, to give them licence to dig coals, and stones, in the common soil of that town, without the walls thereof, in the place called Castle-field and the Frith; and from thence to draw and convert them unto their own profit, in aid of their said fee-farm rent of a 100l. per annum, and the same, as often as it should seem good unto them; the same to endure during his pleasure; which said letters pattents were granted upon payment of twenty shillings into the hamper: Nothing more was given, neither lands, &c. but only to work the coals, during pleasure, for their own use.

(c) King Henry the third was petitioned again by the same honest men, for so they were called by king Johns charters (*probi homines* :) That his majesty would be graciously pleased, to give them all the stone and coals in a place called the Frith, adjoyning to the former, the better to enable them to pay their fee-farm rent, which also was granted, paying forty shillings per annum, into the hamper, upon the eleventh of May, in the one and thirtieth year of his reign. All which coals and stones, have, do, and will amount to many thousands of pounds, yet no land, above the said coals was granted unto them.

C H A P. IV.

(A) **K**ING EDWARD the first, in the nineteenth year of his reign, was supplicated by the good men of Newcastle, to grant them a sum of
C money,

money, and a licence for the building of a wall round the town (on which wall. one of the mayors of Newcastle was hanged) as by the record of the registry appears, That two third parts of the river of Tyne, from Sparhawk to Beadwyn-streams were in this kings hands. And for such lords as held any fishings on the south-side of the said river of Tyne, which went to the mid-stream, they were meer intruders of one sixt part more then was their own, for whereas they were to have had but one third part, they claimed half.

(B) And that this king gave licence, to build a wall about the town of Newcastle, and gave mony towards this wall, which was not bestowed.

(C) And that divers purprestures were then incroached upon, by the good men of the town of Newcastle, upon the moat of the Newcastle, built by William Rufus, adjoyning thereunto. And to the end that the then sheriffe of Northumberland might present these incroachments into the chancery, whereby to discover their unjust dealing and intrusion upon the said moat of the said castle, they the said good men gave to him the said sheriffe, a gitt or bribe of ten marks, that he might not vex them, as by the said record more at large appears, &c.

C H A P. V.

THE said king Edward the third, by his letters pattents, dated at Westminster, the tenth day of May, in the one and thirtieth yeer of his reign, confirms all former charters, with an addition of his own, that he, for himself and his heirs, granted, demised, and confirmed unto his honest men

men of the town of the Newcastle upon Tyne, his town of Newcastle, before called Manchester, with all its appurtenances, for a hundred pound per annum, to be paid to the said king, and his heirs, &c. Which he the said king confirms to the said men, and burgeses, and to their heirs for ever. And because, on the behalf of the said burgeses of the said town, it was humbly supplicated to the said king, that whereas the said moor and lands called Castle-fields, and Castle-moor, on the north-side of the said town of Newcastle, from a certain place called Ingler Dike, &c. as the same are butted and bounded, &c. even to the said town of Newcastle, are the lands and soil of the said town of Newcastle belonging to the same, beyond memory; with all profits coming of the said lands, moor, and soil, as by an inquisition thereof taken, and returned into the chancery appeareth. And albeit the said burgeses, and their predecessors from the time they have had the said town to farm, they have held the said moor and land, as though it were appertaining to the said town, and have always hitherto peaceably, and quietly had, and reaped all the profits coming of the said moor and lands, yet the said burgeses, (now they are turned from honest men, to burgeses, the next will be to ———) for that there is no mention made of the said moor and lands (albeit they be of the appurtenances of the said town) do fear, that they may be impeached afterwards, and for that the said town, as well by reason of the last pestilence at that time, as by the hazards of wars, and divers other adversities, was so impoverished, and destitute of men, that the profits of the said town sufficed not for the payment of the said farm, (as they then pretended.) The said king being willing to provide for their indemnity in that behalf, and for him, and his heirs granted, that they and their heirs might have and hold the same moor and soil, as if it were appertaining

taining to the said town, with all profits out of the same, &c. And that they the said burgeses, and their heirs, in the said moor and lands, may dig, and may have coal, flait, and stone there; and from thence may draw them, and may make their profit of the said coals, flait, and stones, and other profits coming out of the said moor and lands, in aid of the payment of their said fee-farm, without impeachment, &c. As by the said letters pattents, (made by the king himself, and his council, and by the fine of forty shillings paid in the hamper) more at large appeareth.

By these last mentioned letters pattents, the burgeses of Newcastle can challenge no title in the said Castle-moor, and Castle-field, because the said letters pattents are contrary in themselves. This is the first claim the said burgeses lay to the Castle-moor, being a quantity of eight hundred and fifty acres of ground, besides pasture for all their kine, and coals for all their fuel, which are gotten upon the said Castle-moor.

C H A P. VI.

KING RICHARD the second, by his charter, dated the ninth day of April, in the first year of his reign, 1378, confirms all the former charters, and grants to the town of Newcastle, the same privilege as granted before, in digging of coals, flait, and stone, in Castle-field, and Castle-moor, but doth not grant the (land) onely the coals, flait, and stone, for the towns best advantage.

CHAP.

C H A P. VII.

KING HENRY the fourth, being humbly petitioned by the burgesſes of Newcastle, that his highneſſe would be graciously pleaſed, to divide the town and corporation, from the county of Northumberland, and to grant them a ſheriffe, with more liberties and immunities, which was granted; that the corporation of Newcastle ſhall be a diſtinct county of itſelf, diſ-joyned from the county of Northumberland, and not to meddle in the ſaid new county, as by the charter more at large appears, upon record, in the tower of London, 7 Ed. 6. 10. 1. Mary 3.

This was a preparative for the town of Gates-head, &c.

C H A P. VIII.

(A) **Q**UEEN ELIZABETH obtained a leaſe from the late biſhop of Durham, dated the 26. of April, in the 24. year of her reign, 1582. of all the whole mannors of Gates-head and Wickham, and all the coal-pits, and coal-mines within the ſaid mannors of Gates-head and Wickham aforeſaid, and in all the common waſts, and parks belonging to the ſaid mannors, at the rent of ninety pounds, per annum, or thereabouts, for ninety nine yeers, which the earle of Leiceſter procured from the ſaid queen, and ſold, or gave the ſame to Sutton of the charter-houſe, who for twelve thouſand pounds, as is reported, ſold the ſame to the mayor and burgesſes of Newcastle*

* It is conceived, that this lease is void, by reason the corporation forfeited it, being garrisoned against the parliament, &c.

castle,* but when he understood the yearly value, which was worth at least fifty thousand pounds per annum, attested by doctor Cradock, some-times arch-deacon of Northumberland, deceased, this lease being called the grand lease, was granted to sir William Readal, and others, for the use of the mayor and burgeses, and free honest men, and expires the 26. of April, which shall be in the year of our Lord, 1681. as appears in the 11. chap. (I.) 7. Edw. 6. 10.

C H A P. IX.

(A) **Q**UEEN ELIZABETH requires the great arrears, of two-pence per chaldron, which was granted to king Henry the fifth, as custome, by the parliament, as appears by that statute, chapter the tenth, ninth year, which was neglected to be paid unto the crown, by the mayor and burgeses, for many years together, insomuch as they were not able to pay the same, but humbly beseeched those arrears may be forgiven, by reason of their inability: And to grant them a charter to incorporate a new fraternity or brother-hood to be called free * host-men, for the selling and vending of all coals to shipping; and in consideration thereof, they would pay to her majesty, and her successors, twelve pence for every chalder, exported from thenceforth, to the free people of this nation. The queen conceiving that twelve-pence upon every chalder would be better for the future, and well paid, would rise to a greater revenue then the two-pence so long in arrear could endamage, which was granted, upon condition specified in that grant, remaining in the exchequer, with many seals to it; that they should sell all coals to masters of ships: At this day the fitters reckon with the

* Chap. 25.

the masters for so much a chalder, as eleven shillings, for so many as is conceived to be aboard the ship, and then he goeth with the master to reckon, which the said masters payes the one shilling per chalder custome, being allowed in his hand, the master conceives he doth not pay it further then being left in his hand by the fitter; but if the masters will look upon that lease, they will find they are to have the best coals for ten shillings, and the worst for nine shillings the chaldron, at most, and now they pay eleven shillings, by which means the one shilling per chaldron is paid by the master, and not by the host-man, and so falls upon the whole nations back. I refer you further to the lease, for if the master buy dear, he must needs sell dear.

(B) By the same fallacy they wronged the king of his customes, 9. Hen. 5. 10. which plainly appears in that statute, if you please to read it; the same, they have to cheat the queen and her successors for the twelve-pence per chaldron.

C H A P. X.

(A) **Q**UEEN ELIZABETH being humbly intreated, by the mayor, and burgeses of Newcastle, that her majesty would be graciously pleased to grant them a charter of liberties, concerning fea-jurisdiction, and of admiralty in that port (to wit.) between Sparhawk, in the sea, and Hadwyn streams, being fourteen miles in length, for the advance of the estate of that town, which also was granted as follows.

(B) The queen by her letters pattents, dated the thirtieth day of August, in the one and thirtieth year of her reign, touching the office of the high admiralty

This statute
of 2. Edw. 3.
8. will void
this charter
by reason it is
against right.

miralty of the river of Tyne, and port of Newcastle, grants the reversion to the mayor and burgessees of Newcastle, by reason it was granted under the great seal of England, bearing date the fifth of February, 1522, unto Charles lord Howard of Effingham, amongst other things, in his said patent, in the office of lord high admiral of England, &c. for life, who out-lived the queen, and dyed, 26. January, in the sixteenth year of king James, the mayor and burgessees pretending they had right thereunto, from king Henry the sixth, which if they had, was extinguished upon the queens grant to the high admiral, &c. and by this grant of hers to Newcastle, she onely grants what is in her to grant, which is onely the reversion after the surrender, forfeiture, or death of the aforefaid lord high admiral, but she dying before the lord high admiral, it is conceived her grant is void. And it was never since confirmed by any other to the said mayor and burgessees; for king James upon the 28. of June, in the sixteenth year of his reign, two dayes after the lord high admiral died. The commission, or letters pattents of the admiralty of England, was conferred upon the duke of Buckingham, so that Newcastle by this change hath but a slender pretence of right to the admiralty of that part of Newcastle.

Newcastles
petition.

(c) The said corporation humbly beseecheth her grace, to increase, enrich, inlarge, and establish (as much as in her lay) their authorities and jurisdiction in sea-businessees, with larger priviledges, exemptions, liberties and immunities, and those being called by various names, to establish into a certain body, and reduce and create the name of the incorporation, upon which petition, the queen made the town and corporation of Newcastle, a free town, in these words.

(d) That the burgessees and inhabitants of the said town from henceforward for ever, shall be one body corporated, or body politick, in substance, fact, and name, by name of a mayor and burgessees. And that
by

by that name, they may have perpetual succession. *Newcastle
And persons able in law, capable to have, purchase, incorporated.
receive, and possesse, lands, * tenements, liberties, To purchase
jurisdictions, franchises, and heriditaments, of what lands. See
kind, nature, or form soever they shall be, to them stat. 15 Rich.
and their successors in fee and perpetuity; and to 2. 5.
assign them over by the name aforesaid. And by To sue, and be
the same name to implead or sue, and be sued, answer, sued by one
or to be answered, defend, or be defended in any name. See
court of record. Edw. 3. 6.

(E) And to have a common seal for their causes and businesses, and to break and change the same at their pleasure.

(F) Likewise, she confirms by the said charter, to Confirms all
the said mayor and burgeses, and their successors, former liber-
that they onely of the said town, with its members ies.
and appurtenances, and also that they may have all
the same customes, liberties, priviledges, franchises,
immunities, exemptions, quittances and jurisdictions,
how many, and how much soever hath been granted
by former kings, by what name or names soever, or
by what pretence they have or do enjoy or claim the
same. To have and to hold, and to be holden of the
said queen, in fee-farm. &c.

(G) Also grants by the said charter unto the mayor and burgeses and their successors, full authority, power, and faculty of mittigamus, constituting, ordaining, making and establishing, from time to time, such laws, * institute judgments, ordinances and * Making
constitutions, according to their sound discretion, laws, see stat.
being good, wholesome, and necessary for the pub- 19. 7.
lick good and weal, and common profit, and good
rule of the said town.

(H) The mayor and burgeses, have power hereby to inflict punishments, pains, penalties, and imprisonments* of bodies, (and by fines, or amer- *To punish
ciaments, may levy, and have to them, and their offenders. See
successors without calumny or impeachment) re- stat. 9. Hen.
quiring all persons to yeeld obedience to such laws, 3. 29.
Commanding
&c. obedience.

&c. provided those laws, ordinances, institutions, and such like customes, be not repugnant to the laws and statutes of England.

Sparhawk
and Headwyn
streams their
liberties.

(I) Also that the grants, which the said town of Newcastle, and the circuits, precincts, and jurisdictions thereof, to stand as well in breadth, as length, as well by land, as by water, as was accustomed before the memory of man, as they were wont to extend themselves, and in the river of Tyne, from a place called Sparhawk, in the sea, to Headwyn streams, seven miles above Newcastle-bridge. And to pull down all walls, hedges, and blocks, offensive, &c.

Entrance to
the office of
high admiralty.

(K) And further, by the said letters pattents, the queen doth grant unto the said mayor and burgeses, upon the surrender of the same, letters pattents of the same high admiral of England, by death, forfeiture, surrender. or other means, to become void for ever. And may have and hold within the said town, one court of admiralty of record, every munday throughout the yeer; in which court, the mayor, or recorder to be one: And to begin upon the vacancy of the said office, to hold by plaint, in the same court to be levied, all, and all manner of pleas, suits, plaints, and demands. For which debts, contracts covenants, trespasses and deceits, matters, and offences whatsoever, to the said court of admiralty belonging, and to hold court of pleas according to the laws and customes of the said court of admiralty of England, and other legal wayes and means; whereby the truth may the better be known with power of any temporall constraint * or mulct, or any other pain, according to the laws and customes of the said late queens court of admiralty of England, to be compelled, or to do, and administer judgment, the order of law being kept.

Keeping
courts.

Punishment.
* See stat. 28.
Edw. 3. 3.

Laws of Eng-
land executed

(L) And likewise she ordains justices of the peace, to conserve the peace in the said town and port, for the

the putting in execution the statutes and ordinances made at Westminster, in the eighteenth yeer of king Edward the third, concerning forestalling of merchandizes upon the water, or upon the sea. And the thirteenth of Edward the first, the five and fortieth of Edward the third, the thirteenth of Richard the second, and seventh of Henry the fourth, and Henry the sixth, the four and thirtieth of Henry the eighth, and the fifth and sixth of Edward the sixth statutes, at Westminster, against regrators, fore-stallers, and ingrocers, to enquire after such offenders against the laws and statutes afore said, to hear and determine such like indictments and punishments.

Fore-stalling.
See chap 50.
A. 49. 5, 48.
A.

(M) That the sergeant at mace, all juries, panels, inquisitions, attachments, precepts mandates, warrants, judgments, sentences, processses, or other things whatsoever to do, for the dispatching thereof.

Officers to do their duty.
See chap 36.
C. D.

(N) The queen gives further power unto the mayor, to choose all officers in the said court whatsoever, to remove and expell them, as they shall see cause, according to law and equity.

(O) That the mayor, recorder, and aldermen, three, or more of them, whereof the mayor, or recorder to be one of them, may have for every acknowledgment of all and singular such like pleas, complaints, suits, and demands of debts, and other sea-busineses and offences, and also disseizing of all wrecks* at sea or port, happening, and of the death, drowning and viewing of all dead bodies of what persons soever, which in the said town and port, howsoever slain or drowned, or to be slain, drowned, or murdered, or brought to death by any other means.

See chap. 30.
B. chap. 29.
D
*All acknowledgements
wreck, &c.
View of dead bodies murdering,
drowning.

(P) Also the custody and conservation of the statutes, the wreck at sea, and of the office of coroners* in the third and fourth year of king Edward the first, and to punish delinquents, according to law.

Wreck.
Coroners.
*See ch. 48.
A. 29. 49. A.

To fine and
qualifie.

See stat. 25.
Edw. I. 5.

All fines for
their own use
is given.

See chap. 42.
A. 41. A.

* To have all
profits and
wrecks.

* See c. 30.
A. 29. D.
Stat. 17. Ed.
2. 11.

To have all
felons goods,
&c. See chap.

53. A.
Stat. 17. Ed.
2. 16.

* Royal fishes.
Stat. 17. Ed.
2. 11.

Justices of
goal delivery.

(Q) The mayor of the same town for ever, hath hereby power to receive acknowledgments, for any cause whatsoever, in the admiralty court determinable, and to record and enrole the said recognizance, to release, cancel, lessen, and qualifie, at their pleasure, according to law. Also to demand execution, according to the manner of the said high court of the admiralty of England.

(R) The said queen doth give and grant, by the said letters pattents, unto the said mayor and burgeses, and their successors, all, and singular fines, redemptions, issues, amerciaments, forfeitures, perquisites, and profits whatsoever appearing, happening, coming, assessed, imposed, or taxed, or then after to be upon any by the aforeaid court, for their own proper use and behoof, without any account to the said queen, or her heirs, to be levied so soon as ever it shall be adjudged by them, without any unquietnesse, vexation, or trouble of the said queen, her heirs and successors, justices, or other ministers, or subjects whatsoever.

(S) Also to have all manner of such like goods and chattels, weiffs, wrecks * of the sea, goods floating or swimming upon the water, and driven to the shoar*, sunk to the bottom, and goods due, to more by proportion, treasure found, felons of themselves, deodands, and other casualties, as well upon as by the sea or shores, and maritime parts, as upon or by the fresh water, howsoever, whensoever, or wheresoever, or in what manner appearing, happening, or coming, which to the admiralty of England doth belong.

(T) And all royal fishes, sturgeons*, whales, porpoyses, dolphins, rigoseres, and grampefes.

(V) That the said queen willed, that the mayor, recorder and aldermen, for the time being, three or more of them, whereof the mayor or recorder to be one, from time to time ever hereafter, to be justices at the goal delivery, and to deliver out of prison in the same,

same, committed to the same goal, for what cause soever.

(w) That they may erect gallows within the liberty Gallows and of the said town, for felons, murtherers, and other to hang them. malefactors whatsoever, within the town or port, and to commit them to the goal, till they be from thence delivered, by due course of law. See chap. 53. (A.)

(y) All which of her special favour, she grants without fine into the hamper. Dated at Westminster, the 30. of August, in the 31. year of her reign. It is conceived this is voyd, by reason granted without any consideration into the hamper.

C H A P. XI.

A brief of the privileges, contained in the charter of liberties, granted by queen Elizabeth, to the mayor and burgeses of the town of the Newcastle upon Tyne, the 22th. of March, in the 42th. year of her reign. As followeth.

The twelve companies of Newcastle be as follow,

CORDWINDERS,	SKINNERS,
BUTCHERS,	CORN-MERCHANTS,
TAYLORS,	TANNERS,
FULLERS,	SADLERS,
DRAPERS,	BAKERS,
MERCERS,	SMITHS.

I finde not BREWERS NOR CARPENTERS.

Observ.

(A) **T**HAT the town of Newcastle is an ancient town, and that they have had laws, jurisdictions, &c. and that the said town hath suffered no small loss, by reason of divers differences, &c. fol. 1. concerning the manner of loading and unloading sea-coals,

coals, at the same town, fo. 2. whereupon the said mayor and burgessees humbly petitioned the said late queen, for the better maintenance and government of the said town, that she would vouchsafe to amplifie her munificence and favor towards the said town. fo. 2.

(B) The said queen. for her and her succeffors, grants to the said mayor and burgessees, and to their succeffors, that they only of the said town with its members, shall have and enjoy, all the customs, liberties, &c. which were granted to their succeffors, by several charters, fo. 3. which the honest men of the Newcastle upon Tyne, &c. by pretence of what corporation soever, they held and enjoyed, fo. 4, 5. to have, hold, and enjoy, the said town, and all customs, &c. fo. 5. to the said mayor and burgessees, and their succeffors, to their use for ever, to be holden in fee-farm; rendring the antient tee-farm of 100l. at michaelmas onely, fo. 6. and that they may have all such liberties, customs, &c. without the let of any one, &c. fo. 7.

Choyce of the
mayor and o-
ther officers.

Power to
make laws for
themselves not
repugnant to
the laws of
England.
Castle-moor is
without the
limits.

(c) The said queen granteth, that the mayor, ten aldermen, and sheriff of the said town, &c. and other four and twenty of the more discreet and honest burgessees of the said town, &c. may chuse the mayor, and other officers of the said town, within five daies, after the choyse and oath taken by the mayor, fo. 7. 8. which said mayor, and the other twenty four burgessees, in all thirty six, shall be at all times then after, the common council of the said town; fo. 9. and shall have power in making laws, &c. fo. 10. for the good government of the said town, &c. fo. 11. and for the good government of the markets and fairs, within the said town and limits thereof, &c. and for the declaration by what means the ministers, officers, and artificers of the said town, and their factors, servants, and apprentices in their trades, &c. fo. 12. and also for their better preservation, letting and setting of their lands tenements, &c. And that the mayor, and common council of the said town,

town, or the greater part of them, whereof we will the mayor and six aldermen, thirteen being, seven to be, &c. as often as they shall make such laws, &c. and such pains, punishments, penalties, or imprisonment of bodies, or by fines, &c. fo. 14. upon all delinquents, contrary to such laws, &c. as shall be necessary for keeping, fo. 15. of the said laws, &c. and to have and retain the said fines, &c. to their own use, &c. fo. 16. so that the same laws, &c. be not repugnant to the laws of the kingdom of England*, fo. 17.

To punish offenders against such laws.

* See stat. 19. Hen. 7. 7.

(D) And further, the said late queen granteth, that the election of the mayor, recorder, aldermen, common council and all other officers and ministers, to be chosen, &c. shall in every year be upon monday next, after michaelmas day, fo. 18. honest men and burgeses of the twelve societies, lawfully chosen in the accustomed place, to wit, drapers, mercers, &c. fo. 19. and that they name and present two honest men of every mystery, &c. being twenty four in number, being sworn that they, or the greatest part of them, shall chuse and name the mayor, fo. 21. the 22. 23. 24. 25. 26. 27. leaves, are concerning the chusing of the mayor the sheriff, of two coroners, one clerk of the chamber, who shall administer an oath to the marriners and masters of ships at the port of Newcastle; and in the same manner, and the same day yearly, may name eight other burgeses, &c. fo. 28. to be chamberlains of the same town, and one sword-bearer before the mayor, and eight fo. 29. serjeants of the mace, and one recorder; fo. 31. and there shall be twenty four electors for one year; fo. 31. 32. new election of alderman, dying or being deposed, fo. 33. and the alderman, newly chosen, shall be alderman during life, fo. 34. Officers chosen by the mayor under their common seal, shall be admitted to their places, fo. 35. 36. 37. To fine such as refuse to hold their places upon election, fo. 38. the said fine not to exceed 200 marks, fo. 39. 40. 41. The like for the sheriff, fo. 42. 43. 44. 45. 46.

Election of the mayor, sheriff, and other officers, at what time.

The port belongs to the castle, and not to the town. Oath to master of ships.

Officers for life.

To fine refusers of offices.

45. 46. or if any officer (save the recorder) die within the year, then to chuse another, fo. 47. 48. 49. And if the recorder die within one year next after his election, or be removed from, or leave his office, &c. then to choose another fit person, learned in the laws, albeit not a burges, in his place, &c. fo. 49. 50. 51. And if the mayor of the said town be deposed, removed, or die, then to chuse another within twenty daies, &c. fo. 51. 52. The like for the sheriff, &c. fo. 53. 54. William Jennison named first mayor, fo. 55. 56. John Savel one of the barons of the exchequer, first and modern recorder, fo. 57. William Selby, &c. and nine others are made the first and modern aldermen, fo. 58. James Clavering appointed first, and the modern sheriff, &c. fo. 59. the said William Jennison, mayor, and thirty five persons more, are appointed to be the first and modern common councilmen, &c. fo. 60. 61. Matthew Chapman, and Rowland Tempest are appointed to be first, and the modern coroners, &c. fo. 62. George Dent appointed first clerk of the chamber, fo. 62. Francis Burrell and seven others, appointed to be the first and the modern chamberlains of the said town, fo. 63. George Still appointed sword bearer, fo. 63. George Selby. and seven other persons appointed to be the first sergeants at mace, &c. fo. 63.
- (E) The said queen, grants to the said mayor and burges, and their successors, for ever, that they may hold one court of record, in Guilde-hall, before the mayor, upon munday in every week, through the year, except in the weeks of christmas, easter, and pentecost, &c. fo. 65. and another court, upon wednesdaies and fridaies in every week, throughout the year, except in the several weeks aforelaid; and all pleas of debts, covenants detainer, trespasses. &c. fo. 66. 67. and pleas of court, of pipowder, &c. fo. 68. and courts of the upper-bench, justices of the bench, and justices of assize, before the said mayor, fo. 69. 70. And that the mayor and burges in the court,
- to

The recorder
no burges.

Every officers
name.

From the 18.
leaf to the 65.
leaf, concern-
ing the officers
of Newcastle.

To hold courts
of record,
see chap. 42. c.

to be holden before the mayor, and in the court, to be holden before the sheriff, and their successors, in all and singular suits, &c. may attatch the parties defendants in the same suits, &c. fo. 71. in their lands and goods, and commit them to their prison, called newgate, &c. fo. 72. 73.

The mayor, the ten aldermen, and recorder of the said town, for ever, to be joyntly, and severally keepers of the peace, &c. within the said town, &c. and to chastise and punish malefactors, &c. fo. 73. 74. 75. 76.

And further, that they, the 12, 11, 10, 9, 8, 7, 6, 5, 4, or 3 of them, whereof the mayor to be one, be justices of the said late queen, her heirs and successors, to enquire upon oath, &c. fo. 76. of all murders, &c. forestallers*, regrators, &c. and of all other matters whatsoever done, or committed, &c. fo. 77. 78. 79. so that the keepers of the peace in Northumberland and Durham, do not enter for any matter of peace, &c. to be ended and determined, in the said town of Newcastle, fo. 80.

(F) The queen grants to the said mayor and burgeses, and their successors, that they may, as often as need shall require, impose, &c. fines*, penalties, taxations, customs, &c. for the publick use of the mayor and burgeses of the said town, to be kept in their common chamber, and to be expended for their publick use, fo. 81. or by their officers, from time to time to be levied, such as before time, were lawfully taxed and imposed, &c. and that the said mayor, &c. may use all the means they can, to levy and gather the same, fo. 82.

(G) The queens pleasure further was, that the mayor, recorder, and aldermen of the said town, or five, or more of them, whereof the mayor to be one, be justices for gaol deliveries, &c. fo. 83. and that the coroners * of the said town shall deliver all juries, inquisitions, pannel attatchments, &c. and make return of them to the mayor, &c. in all their

Conservators of the peace, chap. 37. chap. 36.

To enquire of all misdemea- norstothelaw forestallers, regrators, &c. * See stat. 5. 6. Ed. 6. 15.

Reasonable taxation of fines, &c. for the towns use. * See stat. 25. Ed. 2. 6.

*Gaol deliveries and coroners, &c. See stat. 3. H. 7. 1.

Town moor is without their liberties, only liberty to get coals.

They have no other liberties but within the walls of the town.

Quere, what interest they have in the port, for it extends seven miles above, and seven miles below, the town of Newcastle, which is further then their right of inheritance reacheth.

Queen Elizabeth her lease of the manor of Gates-side and Wickham made to W. Reddel, and others in trust, for the mayor and burgeses of Newcastle, for the time being See stat. 7. Ed. 6. 10. *The copy concerning the stat. of mort. whether the lease be good or not. 15. Rich. 2. 5.

gaol deliveries, &c. fo. 84. and do execute the precepts of the mayor, &c. in such manner, as any sheriffe of England was accustomed to do, at the gaol deliveries, for their severall counties; and that the said mayor, recorder, and aldermen may, fo. 85. erect gallows within the liberties of the said town, to hang felons, &c. And that the said mayor, recorder, and aldermen, or five, or more of them, may take and arrest what felons, theeves, and malefactors soever, within the town and port of Newcastle, and port aforesaid, or the precinct, or liberties of them, are found, &c. and may bring them to prison there, fo. 86.

(H) The said queen gives licence to William Reddel, and to six others, and to what subjects, or subject whatsoever, of the said late queen, her heirs and successors, assign or assigns, tenants, or farmers, fo. 87. of the mannor of Gates-side, and Wickham, with their appurtenances, in the county of Durham, by vertue of a lease to the said queen, made (amongst others) by Richard, late bishop of Durham, by his indenture, dated the 26. of April, in the 24. year of her reign, 1582. for ninety nine years from the making thereof; and that the said assign or assigns, tenants, farmers, fo. 88. of the premises so demised, and their survivors. The said mannors, or lordships of Gates-side and Wickham, with their appurtenances, may grant and assign, to the said mayor and burgeses, and to their successors, for the residue of the years then to come; and to the mayor and burgeses of the said town, and to their successors, that the said mannors, and lordships of Gates-side, fo. 89. and Wickham aforesaid, with their appurtenances, may have, and hold, during the residue of the years then to come, the said queen, for her, her heirs, and successors, gave special licence, notwithstanding the statute of mortmain* or any other statute, &c. fo. 90.

(1) The

(1) The queen pardoneth and releaseth, to the said mayor, and burgeses, and to their successors, and to every subject and subjects whatsoever, &c. All, and all manner of pains, penalties, forfeitures, and sums of money, and all other charges whatsoever to the said queen, or to any her progenitors, fo. 91. theretofore forfeited, by vertue of an act of parliament, of king Henry the fifth, at Westminster, in the ninth year of his reign, onely published for the assurement of keels, by parliament commissioners assigned, or by pretence of another act of parliament, begun at Westminster, in the one and twentieth year of king Henry the eighth, fo. 92. intituled, An act concerning Newcastle, and the port there, for the loading or unloading of any merchants goods, within this kingdome, or elsewhere, to be sold from any ship or ships, or other vessels, in or at any place or places, within the port and river of Tyne, between Sparhawk, fo. 93. and Hadwyn streams, but only at the said town of Newcastle, and not elsewhere, under pains and forfeitures, in the said act, contained and specified. And by vertue of another act of parliament, at Westminster aforesaid, the three and twentieth of January, in the first year of the late queen Elizabeth, intituled, An act, limiting the times of exposing upon land-merchandizes, from parts beyond the seas, and concerning customes and sweet wines, and there it was enacted, amongst others, for and concerning, fo. 94. the loading or unloading in, or from any ship, or other vessel, any goods, wares, or merchandizes, against the said act, &c. or to the late queen, due, and forfeited, by vertue of the said acts, and all the goods, and chattels, lands, and tenements of the said mayor, and burgeses, &c. being the aforesaid penalties and forfeitures, &c. fo. 95.

See this act at the rolls, whether there be such a penalty or not? because the same is a private act.

Now followeth the charter of the free-hoast-men of Newcastle.

(K) **M**OREOVER the queen grants, to the said mayor, and burgeses, and to every subject, and subjects of hers, her heirs, and successors, inhabitants, and burgeses of the said town, commonly called hoast-men, in every season fitting, and hours accustomed, the customes and subsidies, and other profits, to the said queen, her heirs and successors, due to be paid, and to the customers, and fo. 96. collectors of the said queen and successors, agreeing thereupon to be charged or discharged, shipped or unshipped, pit-coals, grind-stones, rub-stones, and whet-stones, near Newcastle, &c. such ship, vessel, &c. was of such a capacity, or for any other reasonable cause, that they could not fitly apply to Newcastle, that then, in such case, the mayor and burgeses of the said town, as their servants, &c. fo. 97. might and may, load, and unload, such ship and ships, vessel, and vessels, with coals and stones abovesaid, in their port, between Sparhawk and Newcastle, being distant by estimation not above seven miles. And further the queen willeth, fo. 98. and commandeth the said mayor and burgeses, &c. and their successors, and every subject and subjects of her, her heirs and successors, inhabitants of the said town, called hoast-men, that they, the same ships being of such a capacity, that they cannot fitly sail to the town of Newcastle, to charge and discharge themselves, of coals and stones, fo. 99. so nigh Newcastle, as conveniently may be done, without fraud, &c. and that under the pain of one hundred shillings, to be levied for the queens use, her heirs and successors, to be forfeited for every ship or vessel, so charged or discharged, contrary to the true intention, mentioned in the said letters pattents, and for that the queen

100 shillings
for every ship
or vessel.

queen willeth, that the mayor, burgesſes, and inhabitants, of the ſaid town, &c. fo. 100. being burgesſes, may ſerve the queen and her ſucceſſors with more commendable ſervice, and may furniſh the queen, &c. with mariners, more cheerfully in our greateſt wars, as we have heard they have done in times paſt; and for that the ſaid town hath been a faithful fortrefſe, and defence, fighting againſt the rebels in times paſt, and hath behaved itſelf moſt dutifully to us, and to our progenitors, &c. fo. 101. reſiſting the ſaid rebels. The queen therefore giveth and granteth to the mayor, burgesſes, and their ſucceſſors, all the felons goods, unto themſelves, and of fugitives, convicted and attainted, and of out-lawed perſons, &c. fo. 102.

All felons
goods grant-
ed.

(L) And whereas the town of the Newcaſtle upon Tyne, is a town of merchants, a mart or market of great fame, and ſtuffed with a multitude of merchants, dwelling therein, and of others, as well home-bred thither flowing, and there expecting their trade of merchanting, and thereupon it is neceſſary, to order and eſtabliſh, a certain order, within the ſaid town, fo. 103. and the ſpeedy recovery of debts to merchants, &c. due according to the ſtatute of Acton Burnel, &c. The queen granteth, fo. 104. to the mayor and burgesſes, and their ſucceſſors, that the mayor for the time, for ever thereafter, ſhall have power, together with the clerk, to that end ordained, to take recognizances, according to the form of the ſtatute of Acton Burnel, and of the ſtatute of merchandize, made in parliament, in the time of king Edward the firſt, and that there ſhall be a clerk in the ſame town, which ſhall be called the clerk of the queen, her heirs and ſucceſſors, to take recognizances of debts, according to the ſaid ſtatute, fo. 105. The queen appoints William Jackſon, gentleman, to be her firſt, and then modern clerk, for taking recognizances of debts, within the ſaid town, to enjoy the ſame, during his life, and after his death, the mayor and burgesſes, &c. fo. 106.

Halam a rebel they took in the 29. year of king Henry 8. he ſided with ſir Th. Moor, to maintain the popiſh religion, this was here great ſervice.

The queen and her heirs, and ſucceſſors are to have their clerk of recognizances.

The mayor to
have a seal.
See chap. 46.
A.

fo. 106. are impowred to prefer to the said office, fo. 107. another of the burgessees of the said town, to be the queens clerk (as before) and to continue, so long as it should please the mayor, &c. fo. 108. And shall have a seal in two peeces, for sealing the said recognizances, and the mayor to have the custody of the greater peece, and the clerk, fo. 109. shall have the custody of the lesser peece of the said seal, &c. so that if a merchant, or any other shall be made a debtor, he may come before the mayor and clerk of recognizances, and before them acknowledge his debt, and day of payment, fo. 110. And the said mayor and clerk, may do and dispatch all other things, which by the statute aforesaid, are requisite, &c. fo. 111. The said clerk is to have such wages, fees, rewards, and emoluments, for the execution of the said office, as any other mayor, of any other town, or city in England, &c. fo. 112. lawfully, and of right, hath or receiveth, &c. fo. 113.

The town of
Newcastle
discharged of
toles, &c.

(M) The queen granteth by the said charter, to the mayor and burgessees, and to their successors, and to the inhabitants of the said town, that they be quiet and discharged, fo. 113. of toles, passages, poundage, murage, chimage, paunage, lastage, stallage, carriage, picage, tronage, hidage, and wharfage, for their goods and merchandizes, as well by land as by sea, as well in fares as in markets, and all secular customs, over the queens lands, on this side, and beyond the seas, &c. fo. 114.

Profits of
toles of mar-
kets and fares
in Newcastle
and liberties,
to be levied
for the use of
the mayor.
They may
take but pay
no toles.

The queen further granteth to the said mayor, burgessees and their successors, that they shall have for their publick use, all and singular such like toles, and all other customs, toles, profits, and advantages, in fares and markets, holden and to be holden within the said town, and any other times whatsoever by themselves, fo. 115. to be levied and gathered, and to be expended to, and for the use of the said mayor and burgessees, and their successors, &c. and the

the said queen forbiddeth, that any man disturb them, &c. fo. 116.

(N) The said queen also grants to the said mayor and burgeses, and their successors, that no merchant stranger*, from the liberty of the said town of Newcastle, may sell to any merchant stranger, any their merchandizes within the said town (except victuals, and besides in markets and fares, to be holden within the said town, and limits thereof) nor such merchant stranger may buy any merchandizes, (except and besides, as is before excepted,) fo. 117. of any merchant stranger, within the same town and liberty thereof, other than in gross, upon pain and forfeiture* of those merchandizes, to be had and levied, for the publick use of the said mayor and burgeses, fo. 118.

The queen moreover granteth, that the said mayor and burgeses, and their successors, fo. 118. may have, hold, &c. all such like liberties, customs, franchises, &c. and all other the premises, &c. to the said mayor and burgeses, granted and confirmed, as is before expressed, and that they may enjoy, and use them for ever, fully, freely, &c. without impeachment, molestation, &c. fo. 119.

Further, the queen pardoneth and releaseth, to the said mayor and burgeses, and to their successors, all, and all manner of actions, suits, impeachments by writ of quo warranto* to be brought or executed against the said mayor, fo. 120. and burgeses and their successors, by the said late queen, &c. or by any of her officers, by reason of any franchise, liberty, &c. by the said mayor and burgeses, or their predecessors, within the said town, and limits thereof, before times challenged or usurped, and that the said mayor, and burgeses shall be quit, and altogether discharged for ever, fo. 121.

The queen further granteth, that every person or persons, who for ever hereafter shall be admitted to be burgeses, &c. shall be admitted by the mayor and

* See 3 Ed. 1. 20. chap. 29.

48. 49. Merchant strangers selling and buying of merchandizes at Newcastle.

* See stat. Rich. 2. 7. 14 Rich. 2. 9. 5. 6. Edw. 6. 9. See chap.

51. A. * See chap. 49. D. chap. 51. A.

A general confirmation of all liberties, &c.

* See stat. 30. Edw. 1. A discharge of all former actions to be brought against them by writ of quo warranto. It doth not clear since.

Burgeses to be admitted by the mayor and burgeses.

and burgesſes, &c. or by the greater part of them, fo. 122.

A new free
grammer-
ſchoole to be
erected and cal-
led by the
name of queen
Elizabeth her
free grammer-
ſchoole.

(o) Moreover the queen, often conſidering in her mind, of how much availe it is to the commonwealth of England, to have youth well educated and inſtructed from their tender years, &c. fo. 123. ordaineth and granteth, that within the ſaid town of Newcaſtle and the liberties thereof, that there be erected, and for ever, there be one free-grammer-ſchoole, which ſhall be called the free-grammer-ſchoole, of queen Elizabeth, in Newcaſtle, and ſhall conſiſt of one maſter and ſchollars, to be inſtructed in the ſame, and that they the maſter and ſchollars, of the ſame ſchool, fo. 124. for ever hereafter, ſhall be one body corporate, in law, fact, and name, by the name of the maſter, and ſchollars, of the free-grammer-ſchoole of queen Elizabeth, in Newcaſtle upon Tyne, &c. and by that name may have perpetual ſucceſſion, and ſhall be in perpetual times to come, fo. 125. perſons able and capable in the law, of having, purchaſing, &c. lands, tenements, &c. to them and their ſucceſſors in fee ſimple, or for term of years, ſo they exceed not the yearly value of 40l. and ſo they be not holden of the ſaid queen, her heirs and ſucceſſors in chief, nor by knights ſervice, &c. fo. 126. 127. 128. and that the mayor, and burgesſes of Newcaſtle, and their ſucceſſors, or the greater part of them, &c. fo. 129. ſhall have power, to make an honeſt, learned and diſcreet man, to be the firſt and modern uſher in that ſchool, there to continue, during the good pleaſure of the mayor and burgesſes, &c. fo. 130. and if it happen the maſter and uſher to die, or leave the ſaid ſchool, &c. fo. 131. then they may chuſe other men, to be maſter and uſher, &c. fo. 132. 133.

(p) **A**ND whereas the mayor and burgesſes of Newcaſtle, more deeply conſidering, and weighing, the effect of divers letters patents, &c. And whereas the ſaid town is an ancient town, and the
the

the mayor and burgesſes of the ſame, time out of mind, fo. 133. of man, they have had a certain guild or fraternity, commonly called hoaft-men*, for the diſcharging and better diſpoſing of ſea-coals, and pit-coals, grind-ſtones, rub-ſtones, and whet-ſtones, in and upon the river and port of Tyne, which guild or fraternity is granted, or eſtabliſhed, by none of the ſaid letters pattents: Whereupon the ſaid mayor and burgesſes, have humbly ſupplicated the ſaid queen, that in ſupply of the ſaid defects, that we would exhibit our liberality and favor, fo. 134. and that we would vouchſafe to make, reduce, and create the ſaid guild, into a body corporate and politick, &c. The ſaid queen therefore ordaineth, fo. 135. appointeth, and granteth, that William Jenniſon, the elder, and 44 perſons more, commonly called the hoaft-men, of the ſaid town of Newcastle upon Tyne, and brethren of the ſaid fraternity, and all others, which now are, or hereafter ſhall be elected, admitted, &c. into the ſaid guild, or fraternity, of the ſaid hoaft-men, of Newcastle upon Tyne, fo. 136. 137. hereafter, and ſhall, be one body corporate and politick, in law, fact, and name, by the name of the governor and ſtewards, and brethren of the fraternity of the hoaft-men, in the town of Newcastle upon Tyne, &c. one body corporate and politick, really and at full, for us, our heirs and ſucceſſors. We do erect, make, ordain and create, &c. and that by the ſame name, they may, and ſhall, have a perpetual ſucceſſion, and are, and ſhall be, in perpetual times to come, perſons able, and in law capable, to have, purchaſe, receive, and poſſeſs, fo. 138. lands, tenements, liberties, &c. to them and their ſucceſſors, in perpetuity,* and otherwaies, and to give, grant, demiſe, &c. the ſame lands, tenements, and hereditaments, and to do all other things, by the name aforeſaid, and that by the ſame name, they may plead, or be impleaded,

F

* See ſtat. 21. Jacobi cap. 3. Mayor and burgesſes petition, having been an anti-ent fraternity commonly called hoaft-men, for the diſcharging and better diſpoſing of ſea-coals, &c. that they may be incorporated in one body. The queen ordaineth them ſo to be. Names 45 to be the guild or body corporate. This is called a monopoly, in the ſtat. of the 21. k. Jam. c. 3.

Enables them to become purchaſers in perpetuity.

* See ſtat. 15. Rich. 2. 5. 7. Ed. 1.

pleaded, &c. in what court soever, &c. fo. 139.
140.

To make a seal, and break it at pleasure. See chap. 46. (A.)

(Q) And that the said governor, and stewards, and brethren, of the hoast-men of the town, fo. 140. of Newcastle, aforesaid, and their successors, that seal at their pleasure, may break, alter, and make, as to them shall seem good. And the queen appointeth, that there be and shall be for ever hereafter, of the number of the hoast-men, &c. which yearly upon the fourth of Jan. fo. 141. shall be chosen, &c. by the said brethren of that fraternity, &c. to be governor, &c. And likewise there shall be, for ever hereafter, two honest and discreet men, of the said number of hoast-men, &c. fo. 142. who shall be the said fourth of January, chosen by the said governor, steward, and brethren of the said fraternity, &c. And that the queens will in the premises, may have a more excellent effect, she, fo. 143. assigneth, nameth, and createth, William Jennison, the elder, to be the first and modern governor, &c. fo. 144. Moreover she hath assigned, named, constituted, and appointed, Francis Anderson, and John Barker, to be the first and modern stewards of that fraternity, &c. fo. 145. 146. 147. 148. 149.

To have a governor.

Power to make laws in their guild, as be pure, wholesome, good, and profitable, for the good government of the said company. * See 19 Hen. 7. 7.

(R) The queen further grants, to the said governor, stewards, and brethren of the said fraternity of hoast-men, &c. and to their successors, fo. 149. that the said governor, stewards, and brethren, &c. and their successors, &c. shall have in every fit time, for ever hereafter, full power of meeting, in their guild-hall, or in any other place convenient, within the said town, and there to constitute, make, fo. 150. such laws,* institutes, &c. which to the said governor, stewards, and brethren, &c. good, wholesome, profitable, &c. according as they shall think good, for the good rule and government of the governor, stewards, and brethren of the said fraternity, and for declaration, by

by what means and order, they, fo. 151. and their factors, servants, and apprentices, in their office and businesses, concerning the said fraternity, they shall have, carry and use, &c. and that the governor, stewards, and brethren of that fraternity, &c. as often as they grant, make, ordain, or establish such laws, institutes, inform, fo. 152. and they may impose such pains, penalties,* punishments, and imprisonments* of body, or by fines, &c. upon all delinquents against such laws, (s) institutes, &c. as to them shall be thought necessary and requisite, and as to them shall be thought best, for the observation of the said laws, ordinances, &c. fo. 153. and the said fines and amerciaments, at their discretions, they may levy, have and retain, to them and their successors, to the use of the governor, stewards, and brethren, aforesaid, without calumny, &c. all which, and singular laws, ordinances, &c. the said late queen willeth, to be observed; so that the said laws, ordinances, fo. 154, &c. be not repugnant, to the laws, or statutes, of the kingdom of England.

And further, the queen granteth, to the said governor, stewards, and brethren, &c. and to their successors, that for ever hereafter, they and their successors, &c. fo. 155. may have, and shall have, full power, from time to time, at their pleasure, to chuse, name, and ordain, other inhabitants, and burgesses of the said town, &c. to be, and shall be brethren of the said fraternity, &c. who, so elected, nominated, and sworn, shall be named, and be brethren of that fraternity.

Moreover, fo. 156. the said queen grants licence, power, and authority, to the said governor, stewards, and brethren, &c. and to their successors, that they, for the time being, and their successors, and every of them, for ever hereafter, may and shall, quietly and peaceably, have, hold, use, and enjoy, all such liberties, privileges, &c. fo. 157. concerning the loading, and unloading, shipping,

* See stat. 25. Ed. 1. 5.

To impose penalties by fine or imprisonment upon the offender.

* See 28. Ed.

3. 3. And to have all fines for the companys use See chap.

43. D. Such laws to be observed, if they be not repugnant to the known laws of England.

See stat. 19. Hen. 77.

*They to have all the loading or reloading of coals, &c. in that port, in any part of the port, notwithstanding the statute of the 21. Hen. 8. chap. 18. See stat. 21. Ja. 3. a monopoly.

It is conceived this charter could not repeal that statute.

or unshipping, of stone-coals, pit-coals*, grind-stones, rub-stones, and whet-stones, (r) And that they may for ever hereafter, load and unload, ship and unship, in or out of any ships or vessels, pit-coals, and stones aforefaid, within the said river and port of Tyne, in any place or places, as to them shall be expedient, fo. 158. between the said town of Newcastle, &c. and the aforefaid place, in the aforefaid river, called the Sparhawke, so nigh to the said town of Newcastle, &c. as conveniently may be done, according to the true intention of these letters patents, as the men and brethren of the said fraternity, at any time, have used and accustomed, notwithstanding the statute of king Henry 8. the 3. of November, in the 21. year of his reign, and from thence adjourned to Westminster, holden, published, 1559. Intituled, An act concerning Newcastle, and the port, and, &c. to the same belonging, or any other act, &c. notwithstanding: And the said queen also willeth, &c. for that express mention, &c. witness the queen, at Westminster, the 22. of March, in the 13. year of her reign, fo. 160.

What a world of profits is given from the crown, which ought to maintain it, and would have so filled the coffers, as that there had been little need of sements, &c.

Having read some works, of those late famous expositors of the law, I drew two or three heads out as observations, for the knowledge of those, who know them not, written by way of explanation of our known laws, as being a law, used time out of mind, or by prescription.

The law of nature is, that which God infused into the heart of man, for his preservation and direction, and that the law of England is grounded upon six principal points; the law of reason, the law of God, divers customs of this land, of divers principles and maxims, divers particular customs, and of divers statutes, made in parliament.

The

The fundamentall lawes of England are so excellent, that they are the birth-right, and the most anti-ent and best inheritance, that the free people of England have, for by them, they enjoy not onely their inheritance and goods, in peace and quietness, but their lives and dear country, in peace and safety. Cooks preface to the sixth replication, and on Littleton, l. 2. c. 12. sect. 213.

Sometime it is called right, sometime common right, and sometimes *communis justitia*; and it is the same law which William the Conqueror found in England, the laws which he sware to observe, were, *Bonæ, &c. approbatæ antiquæ regni legis*.

Charter-law being so repugnant to the above written, and so destructive to the weal of the people, that never any writer ever writ of them, nor ever any parliament enacted their publication, knowing they were no other then prerogative, and dyes with the donor; and it is an infallible rule, where no law is published, there cannot be any transgression, or obedience required.

The corporation of Newcastle hath but two supporters, to stand and fall by, first, prescription, secondly, custom.

As to prescription, a quo warranto will avoid that upon a legall tryal, it being understood, that charters are void, by reason of the change of government, if not, yet by breach of charter, exceeding their power, being nothing else then a fallacy.

And as to plead custom, they have no right, nor never in possession of what they claim; customary right is good law, but custom without right, is but an old error, and ought to be removed; drunkenness and swearing is customary: Is it fit it should stand because of its custom?

Kings were before corporations, and could have better justified themselves, for a continuance, then corporations, by reason they might plead hereditary, or electary, conquerors, or customary, yet being
found

found a grievance, was taken and removed for their arbitrary actings: Why then must their power stand, that is no law?

If it were justice to execute those two judges, Empson and Dudley, for onely putting a statute law in execution, not repealed, which is above charters, being grievous to the people; it were nothing more to execute justice upon such, who act the same without any law.

King John who was a murderer, yet commanded a murderer to be taken from the altar, and sent to the slaughter. Here was justice!

Why do not our just judges send such like, from the charter to the slaughter? If Strafford lost his life for acting oppressively, by an arbitrary power, why not others for the same?

C H A P. XII.

KING JAMES,

His charters and orders.

MARS, PUER, ALECTO, VIRGO, VULPES, LEO, NULLUS.

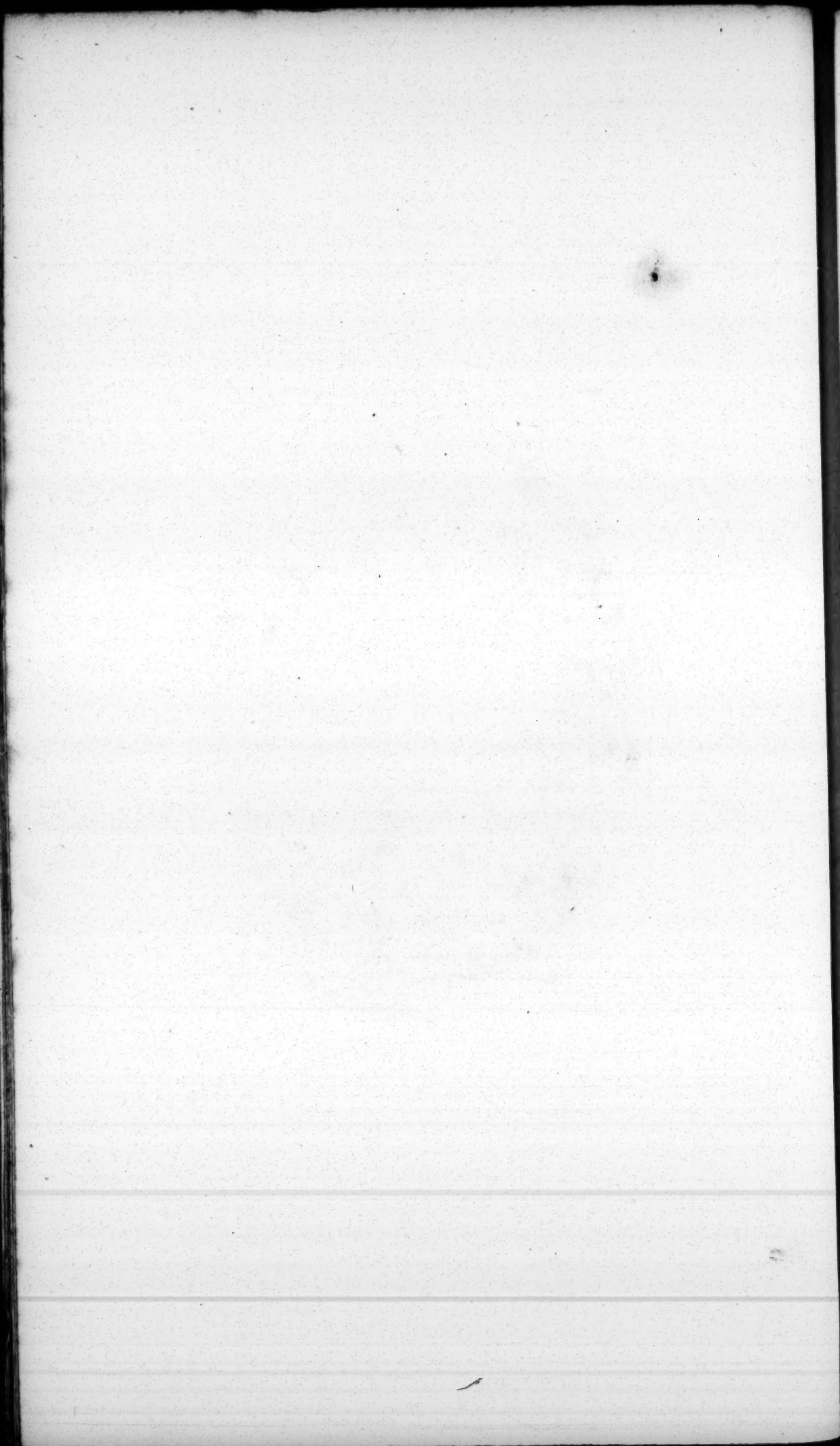
(A) **K**ING JAMES, in the second year of his reign, being humbly supplicated by the mayor, and burgeses of Newcastle, that he would be graciously pleased, to confirm all their antient grants and charters, and to give them further powers, especially of the river Tyne, the king confirms their charters, but grants nothing new, onely alters the election of their officers, and prescribes them new oathes, to be administered to the said officers, in their elections, which charter is in the chappel of rolls.

(B) Also



Engraved by W. Ridley from an Original Painting in Hampton Court.

JAMES I.



(B) Also the king and his council, grants them the conservancy of the river of Tyne, by giving nine articles, upon the 29. of January, 1613, and joyned in the said order, the bishop of Durham, and other justices of peace, of the county of Durham and Northumberland, with the six aldermen of the said town of Newcastle; but three years after, being weary of partners, the mayor, aldermen, and a jury of the burgeses, exhibited a great complaint to the king and council, at White-hall, of the great decay of that river, occasioned by the said commissioners, through their neglect, and breach of trust, which complaint, begat this following reference from the council table, and further power to add to the former. See chap. 34. (C.) 35. (A.B) 28. (A.P)

(C) Whereas, upon complaint of the decay of the river of Tyne, and of the daily abuses, done and committed, to the prejudice of the same, certain articles were granted, on the 29. of January, 1613, and commanded to be put in execution, for the remedy of such abuses; and for as much as a jury of Newcastle-men, have, by their petition to this board, grievously complained those articles were wholly neglected, by the mayor and six aldermen of the same town, and the bishop of Durham, and justices of peace, all which were joynt commissioners, for the preservation of that river, the river decaying so fast, that in short time, it would be dord and wrecked up, with sand, &c. if not order soon taken therein. The council ordered sir Ralph Winwood, sir Julius Cæsar, and sir Daniel Dunn, one of the judges of the admiralty, with the assistance of the trinity-masters of London, to draw up thirteen articles more, to be joyned with the former nine. And by special order of his majesties council, at White-hall, was given and commanded, that all the said two and twenty articles, be put in execution, for the conservation and preservation of the river of Tyne, by the commissioners, hereafter

See chapters
19. 24. 25.
26. 28. 34.
(A.B) 35.
(A.B)

after named, or else to forfeit all the towns liberties, into the kings hands. See chap. 13.

(D) And though the commissioners, formerly appointed, for the execution of the former articles, are persons of place and quality, and otherwise well deserving of the publick, yet for as much as contrary to the trust reposed in them, they have altogether neglected their duty therein, whereof further notice may be taken, as occasion shall require, it is thought expedient that these persons following, be named and authorized commissioners, for the due performance and execution, as well of the said former articles, bearing, date the 29. of January, 1613, as of those now devised and published, with the joynt consent, and good liking of the aldermen, of the town of Newcastle, and others attending their lordships, in that behalf, for the safety and conservency of that river.

(E) *The names of the commissioners at Newcastle, for the river of Tyne.*

THE MAYOR,	JOHN HOLBOURN,
WILLIAM WARMOUTH,	HEN. JOHNSON,
TIMOTHY DRAPER,	EDW. FRENCH,
CUDB. BEWICK,	THO. EWBANK,
THO. WYNN,	GEORGE WALLIS,
LEO. CAR,	RALPH COX,
ROBERT LEGER,	JOHN EADEN,
JOHN STUBS,	JOHN BUTLER.
ROBERT CHAMBERLAIN,	

See stat. 3.
Hen. 8. 5.

(F) 29. January, 1613.

1. **T**HAT the owners of every salt-work, on either side of the river of Tyne, built and to be built, do, within six months. build up their wharfs and keyes, sufficiently above a full sea-mark, in height of the water, to be appointed by the mayor, and six aldermen, to the end, neither coals nor rubbish do fall off into the river.

2. That

2. That all wharfs and keys, in all parts of the river of Tyne, be damm'd and back'd with earth, and not with ballast.

3. That no ballast be cast at Shields, by any vessel, which loadeth, either with coals or salt, or other commodities, nor any ballast wharves to be built there, or used for that purpose. See chap. 19. (H), 24. (E), 18. (A).

4. That all salt-pan owners, shall carry away their pan rubbish, from off their keyes, or wharfs, every forty dayes, that none fall into the river.

5. That no ballast be cast, but upon sufficient ballast wharfs, built, and to be built, above a high water mark, and to be allowed by the mayor, and six aldermen, in any part of the river. See chap. 49. (G).

6. That the surveyors, unladers, and casters of ballast, according to their offices and duties, shall, every week, cause all the ballast which falls off the ballast shores, into the river, to be taken up again, and cast upon the ballast wharfs; and to take care, that the ships have a good sayl, to lie between the ship and shore, that none of the ballast fall between, into the river. See chap. 49. (G), 14. (B), 34. 35.

7. That no coals nor stones be digged, within sixty yards, on a streight line, from a full sea-mark, in any part of the river, to the end none fall in.

8. That some strict and severe punishment, be inflicted, by the mayor and six aldermen, upon any such master of ship, or keels, as shall presume to cast any ballast, upon any insufficient shores, or into the river. See chap. 49. (E), 39. 14. (C).

9. That there shall be no wyers, dams, or other stoppage, or casting of ballast, in or neer the said river, or creeks, running into the said river of Tyne, or within eight miles of the town of Newcastle, but such as shall be allowed, by the mayor and six aldermen, of the said town, such shores being sufficiently wharfed. See chap. 34.

Thirteen articles more granted, Feb. 14. 1616.

10. That no lighters, boats, or keels, with ballast, be suffered to go up and down, the river of Tyne, in any night tide, to prevent the keelmen casting ballast into the river, they often using so to do, being more easie, and less labour to cast it into the river, than upon the top of the ballast shores, which spoyleth the river, the commissioners are to take care herein, to see the putting hereof, in execution, and to punish offenders. See chap. 49. (E).

11. That strangers shall be appointed every week, to cleanse the streets in Newcastle, of their ashes and other rubbish, to prevent the rain from washing the same into the river, thorough Loadbourn.

12. That all the gates, on the town key, be locked up every night, except one, or two, to stand open, for the masters and sea-men, to go too and fro, to their ships, which will prevent servants casting ashes, and other rubbish, into the river; and that those two gates be constantly watched, all night long. See chap. 49. (E), chap. 14. (B).

13. That all servants dwelling, with any the inhabitants, residing or inhabiting, in the town of Gates-head, and sand-gate, and the close, in Newcastle, be sworn every year, not to cast any rubbish, into the river. See chap. 49. (E).

14. Whereas there hath been an ancient custome in Newcastle, that every master of any ship, who is known to cast any ballast at sea, between Souter and Hartly, or within fourteen fathom water of the haven, to the hurt of the said river, was brought into the town chamber; and there in the presence of the people, had a knife put into his hand, was constrained to cut a purse, with monies in it, as who should say he had offended in as high a degree, as if he cut a purse from the person of a man, whereby he might be so ashamed, that he should never offend again therein; and others by his example, were terrified

terrified from trespassing, in the like kind, that now in the time of so general wrongs, done to the river, and the great number of ships, which comes into that haven, this ancient custome be revived, and put in execution. See stat. 8. Eliz. 4. See chap. 39. (A).

15. That whereas much ballast falls off into the river of Tyne, between the ships and the ballast shores, in casting of it out of the ship, to the great hurt of the same, the commissioners are to set, every winter season, the poor keelmen, and shewel-men, on work, to cast into keels, such ballast and sand, fallen into the river, and then to cast it on the shores, or wharf again.

16. That some trusty truly substantial men, burgesses of Newcastle, be appointed to view the river, every week, and to make oath, for the abuses and wrongs, done unto the same, two to be masters of the trinity-house, of that town; they to have no coals, nor mines, nor ballast-shores, and to be appointed by the commissioners. See chap. 39. (35.)

17. That every owner of ground, adjoyning on that river, be ordered to fence the same grounds, to prevent the banks from falling, and washing into the river, with the great floods, flashes, and rains, to the great annoyance thereof. See chap. 49. (E).

18. That the commissioners, namely, the mayor, and others named before, do give unto the masters, skippers of keels, a commission, to be a company, for the ordering such their brotherhood, and for them to punish such, as cast ballast into the river, or doth other wrong, out of their keels, they having been a company formerly, consisting of one hundred and sixty, which was for the good of the river; that the two great pools of water, lying on the back of a ballast-shore, be forthwith filled up, to prevent undermining of the shore, to the hazard of the river, if the wall, and ballast fall down.

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19. That

19. That all the ballast shores, in the river of Tyne, be constantly kept in good repair, otherwise, a hundred thousand tons of ballast, will fall into the river, to the destruction thereof. See chap. 34.

20. That no ship or vessel be suffered to load at Shields, or any roadstead in the river, but as near the town of Newcastle, as can be, for when they load in remote places, the wrongs cannot be so soon seen. See chap. 19. (H), 24. (E).

*These articles are all void notwithstanding it is all the power they can claim.

21. That the commissioners do take good bonds, from the owners of such shores, as shall be built, to lay coals on for ships, and shall take view of such places, as shall not do hurt to the said river,* either by casting ballast on them, indirectly, or to suffer them to go to decay, after there is no use made of them, and to keep the ballast, from washing into the river. See chap. 13. 34. 35.

These were present in council, that granted these articles.

LORD ARCHBISHOP OF
CANTERBURY,
LORD CHANCELLOR,
LORD TREASURER,
LORD STEWARD,
LORD ARRUNDEL,
LORD CHAMBERLAIN,
LORD ADMIRAL,
EARLE BUCKINGHAM,
LORD BISHOP OF ELY,

LORD ZOUCHE,
LORD CAREW,
MR. COMPTROLLER,
MR. VICE-CHAMBERLAIN
MR. SEC. WINDWOOD,
MR. SECRETARY LAKE,
MR. CHANCELLOR
EXCHEQUER,
MR. OF THE ROLLS,
MR. ATTORNEY GENERAL.

All these articles are broke, except the fifth, for cutting purses, and the ninth article, in stopping up the two pools, &c. Read the following order, &c.

The council table ordered, that Leonard Car, and Cuthbert Beuwick, two of the commissioners which attend this businesse, be allowed their charges, for their pains and attendance, and likewise this board might be the better assured, with what care and diligence these directions are pursued, that the commissioners,
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do every quarter certifie, of the proceedings herein, that further order might be taken, upon any defect that might happen, and as shall be found expedient.

C H A P. XIII.

An order to seize all Newcastle liberties, &c.

UPON an order, now taken, concerning the river of Tyne, and divers articles, conceived fit by the board, for the preventing of such disorders, and abuses, as are done, and committed, to the detriment of the said river, it is thought fit, and so ordered, for the better observancy of the said articles, and the more carefull endeavours of the mayor, and aldermen, of the town of Newcastle, for the reformation, and amendment, of such things, as are hurtfull and prejudicial to so famous a river, which have been slighted and neglected, beyond that, which any way may be reasonably thought of, in a matter of so great importance.

That upon the first just complaint, renewed to this board, in that kind, his majesties attorney general be hereby authoris'd, without further question, or warrant, to direct some course, for the seizing of all the liberties of that town, into the kings hand; of which their lordships pleasure and resolution, is, that such aldermen, and others of that town, as are now here attending that businesse, were by the board required, hereby to take notice. Given at our court, at Whitehall, this 16. of February, 1616. See chap. 19. (A), 24. (A), 25. (A), 26. (A), 28. (A), 34. (A), 35. (A.B).

There

There were these present in council.

LORD ARCHBISHOP OF
CANTERBURY,
LORD CHAMBERLAIN,
LORD ARRUNDEL,
LORD VIC. WALLINGFORD,
LORD STEWARD,
LORD BISHOP OF ELY,
LORD ZOUCHE,

MR. COMPTROLLER,
MR. VIC. CHAMBERLAIN,
MR. SEC. WINDWOOD,
MR. SEC. LAKE,
MR. CHANCELLOR
EXCHEQUER,
MASTER OF THE ROLLS,
MR. ATTORNEY GENERAL.

It is conceived a writ of seizure, lyes in this case, by reason of the many grievous complaints, exhibited for their exorbitant abuses, committed against the weal of the nation, in that river, in the spoyle thereof, as appears, and in not putting all those articles in execution, for preservation thereof, &c.

In Michaelmas, 1643, in the presence of Mr. Justice Snape, steward of the liberties of St. Katherine's, London, the lord chief justice, St. John, did direct to seize St. Katherine's liberties, for not yielding obedience, to a writ of the common bench, executed in St. Katherine's, and the attorney that gave the advice was committed. (A good precedent.)

C H A P. XIV.

A return, by the commissioners of Newcastle, in the due execution of their power, &c.

(A) **T**HE commissioners, for conservancy of the river of Tyne, at Newcastle, returns their quarterly account, of their diligent care, in the due execution, of the two and twenty articles, aforementioned, unto the council table, by Mr. Leon. Car, and

and Mr. Buewick, with order to petition the council, for an explanation, upon some of the said two and twenty articles, and for further power, for the preservation of the said river, especially upon the one and twentieth article, to whom the bonds should be made. It was ordered to the mayor, for the time being, &c.

(B) Also prayed resolution, who should repair and maintain the ballast shoars, and coal-wharf, as is expressed in the nineteenth article. Ordered, that as well the owner as the tenant, be bound to such reparation, during the time use was made thereof, and onely the owners afterwards.

They also humbly craved their resolutions of the sixth article, and twelfth article, who should be at the charge of cleansing the river, of the ballast, and pay the watchmen, &c. It is ordered, that the town-chamber, defray both the one, and the other, by reason, they receive the profits of the river, &c. See chap. 12. (6), chap. 34. 39. 49.

(c) They also prayed the resolution of the eighth article, for the punishing of masters of ships. It was ordered, that the commissioners should take bond, with sufficient sureties, to appear before the council, to answer their contempt, and to such as refuse to give bond, then the commissioners, to commit them to prison, till they give sureties, to answer at London, &c. See chap. 41. (c).

Ordered, that the commissioners shall have power, for ordering the wharf, and new shoars, in every place, in that river, after they are once erected, as well for the strengthening as backing of them, with ballast, as with other earth. See chap. 18. (E).

(E) That the commissioners, there at least, shall subscribe every ticket, and the mayor, for the carrying up of every keel of ballast, from the ships at Shields, to Newcastle ballast shoars, for the more faithfull execution of that service. See chap. 49. (G).

(F) Ordered, that the commissioners shall have power, to order and determine, of such rewards, as shall

shall be given, to every wherry-man, or fisherman, or other, that shall truly present any offence, or offenders, against any of the articles prescribed, to be taken out of such fines, mulcts and amerciaments, as shall be imposed upon any the delinquents, against the said articles. See chap. 39. (A).

(G) Ordered, that the commissioners shall have power, to cause the ballast, already become noysome, or in any part of the river, or like to do hurt, from the land, to be removed to a new wharf, or fit place. See chap. 34. (A), 35. (A.B.).

C H A P. XV.

KING JAMES, on the 14. of April, in the seventeenth year of his reign, grants unto Alexander Stevenson, Esq. and his assigns, for fifty years, the whole castle of Newcastle, with all appurtenances thereunto, any way belonging, at the rent of forty shillings, per annum. except the prison, wherein is kept the sons of Belial, it being the county prison, for Northumberland; the said Mr. Stevenson dyed, and left Mr. Auditor Darel, his executor, and left him that lease, it being all he was like to have, towards the payment of the said Mr. Stevensons debts, which was due to the said executor, and others, amounting in the principle, to two thousand and five hundred pound, besides damages, which amounted to as much more, who is kept from his right, by the instigation of the mayor and burgeses, upon an inquisition taken, the 18. of August, in the 18. year of king James, at Newcastle. It was found to be in Stevenson, and now in his executors. The said Stevenson dyed in October, 1640, they claiming a right from one widow Langston,

Langston, relict to one John Langston, groom, porter, &c. but that title, the law will quickly decide, upon a legal trial; but the county of Northumberland hath the reversion, who is kept, from having a free passage to the assizes, by the mayor and burgeses, who shuts up the gates, which is the right passage, and at such gates, which be open, the people of Northumberland, coming to do their service, at the assizes, holden for that county, in that castle, are arrested, and cast into prison, by Newcastle, where none can bail them, but burgeses of Newcastle, and often thereby, such people, have their cause overthrown, by such restraintment.

In easter term, in the 18. year of king James, sir Henry Yelverton, kt. attorney general, exhibited an information, against the mayor and burgeses, concerning the premises above mentioned, where all plainly appears, amongst other things of the town, not to belong to them, &c.

C H A P. XVI.

(A) **I**N or about the eighteenth year of king James, an information was exhibited, in the Star Chamber, by the attorney general, against the mayor, and burgeses of Newcastle, by the name of hostmen, for that they, having the preemption of coals, from the inheritors in Northumberland, and county of Durham, by their charter of free-hostmen, 42. queen Elizabeth,* they having the sale of all coals, who force ships to take bad coals, or will not load them, with unmarketable coals, being brought for London, prove much to the damage of the people.

Which grief begot great suits, between the merchants, and masters of ships, to their disquieting and high charge, upon which, this information was

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brought

brought against the said hoast-men, for selling of bad and unmerchantable coals, and much slate amongst them; for which they were all fined, some 100l. a peece, some more, others less; being found guilty, and ordered to do so no more; but it is proved, they continue the same, to this day. See chap. 43. (A.).

CHAP. XVII.

(A) **K**ING JAMES, upon the 28th. of January, in the 16. year of his reign, grants the admiralty, of all England, &c. to the duke of Buckingham, it being surrendred by the lord high admiral, so that the title of Newcastle, by vertue of the charter, of the 31. year of queen Elizabeths reign, is conceived of little force. See chap. 10. (B).

CHAP. XVIII.

KING CHARLES

HIS ORDERS.

(A.) **S**IR ROBERT HEATH, lord chief justice of the common pleas, was building a ballast wharf, or shoar, on his own land, at Shields, adjoining upon the river of Tyne, seven miles from Newcastle; but the commissioners of Newcastle, the mayor and aldermen, with others, obstructed the building thereof, pretending it would spoil the river; but the lord chief justice, well knowing it to the contrary, by the advice of most of the antient trinity



Taken from a Painting at Hampton Court, and Engraved by Riley.

CHARLES I.

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trinity masters, of London, and other experienced traders thither, went on with the building thereof, upon which, in the year 1632, the said mayor, and other commissioners, exhibited a complaint, to the king and council, against the same, at Whitehall, complaining, that, if any ballast shoars, or wharfs, were built, at Shields, it would much spoil the river, and hinder trade and navigation; at which there was a legal tryal. It appeared to the contrary. The king and council, upon the 13th. day of July, 1632, ordered, that Sir Robert Heaths ballast shoar, should be built.

(D) In February next, the commissioners of Newcastle, complained again, upon the same business, by pleading some new matter, in their petition, and the reference they obtained, on their petition, was ordered, by the king and council, this 13th. of February, 1632, that sir Robert Heaths ballast shoar should be built. The commissioners aforesaid, put in the third petition, not doubting, but that by such new matter, they should prevent the building of the said shoar. Ordered, by the king and council, the 27. Feb. 1632, that sir Robert Heaths ballast shoar, wharf, or key, a building, shall be built, go forward, and be quite finished. See chap. 13. (A), 19. (A), 20. (G), 34. (A.B.).

C H A P. XIX.

THE mayor and burgeses exhibited another great complaint, to the king and council, wherein nine several absurdities appeared, by capt. Crofier, and especially against sir Rob. Heaths shoar, &c.

At the court, at Greenwich, the 1. of June, 1634.

KING CHARLES,

LORD ARCHBISHOP OF
CANTERBURY,
LORD KEEPER,
LORD ARCHBISHOP OF
YORK,
LORD TREASURER,
LORD PRIVY-SEAL,
LORD DUKE OF LENOX,
LORD MARQUIS HAMBLE-
TON,

LORD CHAMBERLAIN,
EARL OF DORSET,
EARL OF BRIDGEWATER,
LORD VI. WIMBLETON,
LORD NEWBROUGH,
MR. TREASURER.
MR. COMPTROLER,
MR. VICE CHAMBERLAIN,
MR. SEC. WINDWOOD,
MR. SEC. COOK.

Upon confideration, this day had, at the board, his majesty being present in council, of a complaint made, by the mayor, and burgesfes of Newcastle, against the ballast-shoars, lately built, by the said fir Robert Heath, at Shields, upon the river of Tyne, pretending the fame to be a great prejudice, of the shipping and navigation, and to the annoyance, and damage of the said river, the care and confideration thereof, was, by his majesty, especially intrusted unto them, (E) and upon hearing the allegation, on both fides, with their learned council, in the law, it was thought fit, and ordered, that the said shoar should be finished, and backed with ballast, to make it fit for the falt works, which for his majesties service, are begun, and intended to be performed. (G).

In the first place, that the seamen should have liberty, freely to cast their ballast there, (H) without interruption, if they find convenient, none being compelled to it, or hindred from it. That neither those of the town of Newcastle, nor free hoast-men (I) (which sell all coals) do hinder the same, indirectly, by denying, or unnecessary denying, to carry down coals, in keels, or lighters, to the ships, which shall cast their ballast, at that shoar, to the end,

end, this shoar, which may be for the safety, and encouragement, of navigation and shipping, may be so used, as the same, may neither be prejudicial to the town, in diverting or withdrawing of trade, nor to his majesty, in his customs or duty, nor hurtful to the said river.

His majesty will refer the ordering hereof, to himself, as well in the particulars aforeaid, as in all other things, thereunto appertaining, in such sort, as both the town and seamen, shall find his majesties regall care over them. *Sic subscripsit ex. majest.* See 12, chap. 3. 18. (D.F), 23. (A), 42. (E).

It is conceived, orders are no laws, and the latter order, which contradicts the former, voids it; so by this of king Charles, voids king James's for the power of the river, in chap. 12. (1).

C H A P. XX.

Jarrow Slike, &c.

(A) **O**N the 4th. of December, 1634, certain lands, and wastes were discovered, to the late kings commissioners, at the commission-house, in fleet-street, as belonging to the crown, concealed, especially, a parcel of land, or waste, in the river of Tyne, called Jarrow-slike, at South-Shields, in the county of Durham, which the water, at a full sea, covers every tide, and is by estimation, 300 acres, a fit and convenient place, for ships to cast ballast at, for many years to come, without any prejudice to the river, and great furtherance of trade. See chap. 56. chap. 34. (A.B.).

The mayor and burgeses of Newcastle, hearing thereof, put in their claim, to the said commissioners,
and

and alledged, that all that ground belonged to them, with all other grounds, to a low water mark, from the full sea-mark, on both sides the river, from a place called Sparhawke, in the sea, to Headwyn-streams, which is seven miles above Newcastle, being fourteen miles in length, granted to them, and their heirs, for ever, from king John by charter, and confirmed by his successors; and therefore beseeched time, to make it so appear. (There being no such thing granted, could never make it appear.) A long time was given them, but nothing appeared, as truth of any such grant, and two years after, upon the first day of July, 1637, they instead of wearying out the commissioners, and gentlemen, that discovered the same, was called to make good their claim. Then they became petitioners to the kings commissioners, that they would be pleased, to sell that parcel of waste ground, called Jarrow-slike, to them, and to admit them to purchase the same, for which they would give two hundred pounds, by reason, it lay more convenient for them, then any else, but they would give no more money for it. See chap. 18. (A.B). See chap. 2.

Upon which, one Mr. Thomas Talbot, and Mr. Richard Allen, of London, gave four hundred pound, and got it. The king upon the 27. of November, 1637, by his letters pattents, under the great seal of England, confirmed the same Jarrow-slike, and waste ground, upon the said Talbot and Allen, and their heirs, for ever; they paying in to the exchequer five pound per annum, as a fee-farm rent, which said ground, is in contest, between the said Gentlemen, and sir Henry Vane.

If this ground, to a full sea-mark, were really the corporation of Newcastle, it would have so appeared in the charter, granted by king John, and also, they then, might have made good their claim, and not to have become petitioners, to purchase the thing, which was their own before; even as they do in this, so in other things,

Also, if all ground be theirs, from a full sea-mark, why were they tenants to the late dean, and chapters, of Durham, of certain ballast shores, built to the low water-mark, on which all ballast is cast.

And if all ground were Newcastle, from a full sea-mark, why should Mr. Bonner, &c. buy the lady Gibbs ground, and build a ballast-shoar, to a low water-mark, and wrong the town of their right; and why should not Gates-head, and both the Shields, which are built to a low water-mark, pay Newcastle rent, &c. See chap. 18. (B), 34. (A.B.).

C H A P. XXI.

(A) **K**ING CHARLES, in August, in the 13. year of his reign, created a new corporation, of free host-men, in Newcastle, (called in english, coale-engroffers) and grants a lease, to sir Thomas Tempest, knight, with others, for the selling of all coals, exported out of the river of Tyne, and to receive eleven shillings and four pence, per chaldron, custome, and twelve shillings, from all strangers, which shall be transported over sea, and to have two pence, per chaldron, towards their charge, and power to seize of all coals, sold by the owners of such coals, sold; in which lease, it is ordered, that if masters of ships have not their due measure, at one and twenty bouls, to the chaldron, then upon information given, the one half of such coals, and keels, to be forfeited to such master, and the measures to be looked after, by sworn commissioners, and that this lease (monopoly) to continue, for one and twenty years, from January, then last past, and that nothing be done or acted, by pretence, or colour of this lease, to the prejudice of the king. See chap. 11. (P.), 8. (A.). See stat. 21. king James 3. See chap. 46. (B.).

It is conceived this lease is void, both by law, &c.

If

If any such prejudice the people, the king is also prejudiced here, the people cannot sell their own coals, &c. which is a prejudice. See his oath, chap. 59. (A.).

C H A P. XXII.

(A) **K**ING CHARLES, in June following, in the fourteenth year of his reign, incorporates another company of coal buyers, namely Mr. Tho. Horth, and other masters of ships, to buy all coals, exported out of the ports of Sunderland, the river of Tyne, Newcastle, Blith, and Barwick, paying to the king, one shilling, per chaldron, custome, and to sell them again, to the city of London, not exceeding seventeen shillings the chaldron, in the summer, and nineteen shillings the chaldron, all the winter; provided they had a free market, and a just measure, at Newcastle, &c. which they were debarred of, by reason of the foregoing lease, granted to sir Thomas Tempest. See chap. 11. (P).

C H A P. XXIII.

(A) **K**ING CHARLES, in July following, grants another pattent, to Mr. Sands, with others, for the farming of the customes, of one shilling, afore-said, upon every chaldron, at the yearly rent of ten thousand pounds. By this, you may see, no small quantity issues out, &c. See chap. 11. (B).

But there are some other gentlemen, which hath this beneficial lease at present, namely sir John Tre-

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vor, with others, who payes (as I hear) one thousand four hundred pound, per annum, (having some yeers yet to come in the pattent). I wish the poor had it after them, at the rent of five thousand pounds, per annum. And it is the judgement of wise men, that those gentlemen, are wanting of many hundreds of pounds, per annum, which might be made, as well as the former, &c.

C H A P. XXIV.

Die Jovis, Octob. 8. 1646.

By the committee of lords and commons, for the admiralty, and cinque ports, &c.

WHEREAS, the committee hath been petitioned, by Barbery Hilton, widow, on the behalf of herself, and divers masters of ships, trading to Newcastle, whose names are here subscribed, to the said petition, that the petitioners may receive the benefit, of loading, and unloading, at the ballast-wharf, erected at Shields, about seven miles from Newcastle, as tending to the good, and preservation of shipping, &c. for that by reason, the river is wrecked up, with sands, and sunk ships, that ships of great burdens cannot passe up, without hazard, and danger of losing, which liberty, as by their petition is set forth, they enjoyed for sixteen yeers past, untill of late, the mayor and commonalty of Newcastle, have enforced them to come up, to their own shoars.

Now, for as much as this matter, as it is represented unto the committee, may tend much to the security of ships, the advancement of navigation, and encouragement of trade, (E).

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It

It is ordered therefore, that the petitioners shall be at liberty, to load and unload, at the Shields, as is desired, and directed, untill other order, in that behalf be given.

And if the magistrates of Newcastle, and such others, as is therein concerned, shall hereafter desire, to offer reasons to the contrary, this committee will be ready to hear them, and to do therein, what shall stand with justice. See chap. 19. (G.H.I).

WARWICK,
ALEX. BENCE,
SALISBURY,
JO. ROLL,

ESQ. BENCE,
ED. PRIDEAUX,
GILES GREEN.

It is conceived, this order voids king James orders, for preservation of the river, in the two and twenty articles, and confirms king Charles, &c. See chap. 19.

C H A P. XXV.

*At the council for trade, at White-hall, Sept. 26.
1651.*

(A) **I**N pursuance of a reference of the council of state, of the 8. of Feb. 1650. to take into consideration, the petition of some captains and masters of ships, with others trading to Newcastle, with a paper of their grievances, annexed to the same, setting forth, &c. See 12. chap. the 19. and 24. chap.

(B) That

(B) That in case of any disafter to ships, after extremity of weather, or otherwise, though in great distresse. See chap. 29. (c), 30. (A.D.S), 33. (A).

(C) Are debarred to take the assistance, and help of any other neighbouring ship-wrights, and carpenters of their own hired servants, who they have entertained in their ships, for their ship-carpenters. See chap. 36. (A), 38. (c).

(D) But are constrained, either to carry their ships, to Newcastle, or to remain there in peril, till one be sent for, or procured from Newcastle, who will not come upon reasonable terms. See chap. 30. (B), 38. (A.B).

(E) Complaining also, that the town will not suffer them, according to ancient liberties, and customes, to heave, and cast out ballast, at convenient and sufficient shoars, where they may do it, without endangering their ships. See chap. 29. (c), 30. (A), 32. (D), 35. (B), 41. (A), 43. (D), 44. (A).

(F) Nor to load, nor unload, where they may with safety perform it, notwithstanding some orders, heretofore, to that end obtained, from the late king, and from the parliament; but are most injuriously forced, to carry up their ships, to Newcastle, through most dangerous parts of the river, by reason of sands, shelves, and divers* sunk ships, in the way, with other particulars, to the like purpose.

(H) The council, having taken the said papers, into consideration, and it appearing, that the said town of Newcastle, however they justifie not the hindring of any master, to make use of his own hired ship-carpenter, coming along with him, in the said ship, do, notwithstanding, justifie the hindring of any other ship-carpenter, to work or assist him, if not a free-man of their town, and do claim the sole imployment of their own free ship-wrights, within the whole port, of the said town. See chap. 12. (1),

29. (C), 31. (A), 34. (C), 32. (C.B.), 35. (A.B.), 38. (A), 49. (A), 50. (C).

(I) As also do justifie the sole erection, keeping, and heaving, of all the ballast-shoars, within the said port, (K), and the hindring any person, to load or unload, at any place of the said port, save at the said town, or as near it as conveniently may be.

(L) This council, having further received the depositions, and examinations, of several mariners, and masters of ships, belonging to the town of Newcastle, and others also, of the town of Ipswich; and having also advised, with some masters of ships, antient and experienced traders, sent and chosen, by the trinity-house, of London, with some others, do, after full debate had, and hearing, at divers meetings, the reasons on both sides alledged, offer, see chap. 33. (A), 38. (A.B), 56. (A).

(M) That the said practice, of the said town of Newcastle, in debarring masters of ships, to make use, within the river of Tyne, of what ship-carpenters they please, or find fittest for their own conveniency, and in constraining them to use onely the free ship-wrights, of the said town of Newcastle, is very prejudicial to trade and navigation. See chap. 33. (A), 38. (A.B.C).

(N) That it hath appeared to this council, notwithstanding any thing to the contrary, alledged, &c. that through the winds, rains, and other casualties, washing down the ballast of those, that are called the town of Newcastles shoars, having been a great newfance, and prejudice, to the river, and in the higher parts thereof. See chap. 34. (C), 35. (A.B).

(O) And that the practice of the said town of Newcastle, in constraining the said masters of ships, to come up the river, and to heave out their ballast, at the town shoars only, (P), and hindring them to load coals, and discharge their ballast, where they may with safety perform it, as well to the road-stead
it

itself, as to their shipping, is a damage and inconveniency to trade and navigation. See ch. 34. (C), 44. (A), 41. (A), 44. (E), 32. (D), 43. (D), 29. (C), 31. (A).

(Q) To hinder any ships, to buy or take in, at any place of the said port, bread and beer, for their own spending, and victualling, is also a very great hindrance, to trade and navigation. See chap. 48. (A), 49. (C.D.G), 50. (A), 51. (B), 44. (E), 29. (A).

(R) That notwithstanding, for the better regulating such further liberties, as shall be granted, in the granting of the said provisions, building of ballast-shoars, defraying the charge, and for the preservation of the river, for the future, be intrusted into faithful, able mens hands, to see the same put in execution, as to the wisdom of the parliament, shall be thought fit, &c.

JOHN JOHNSON, clerk. *pro tempore.*

C H A P. XXVI.

A judgement at the common law, obtained against Newcastle, &c.

(A) **T**HOMAS CLIFF, a ship-carpenter, who hath been very instrumental, in saving many ships from sinking, and at easie rates, for his working upon a ship, in the same river of Tyne, in the year 1646, had got a ship, off the rocks, with the help of his servants, and other work-men, for which, the mayor and burgeses of Newcastle, sent down sergeants, with other burgeses, to the town of North-Shields, which is in the county of Northumberland, to bring the said Cliff, and servants, to their prison; in which service, the said sergeants killed his wife, brake his

his daughters arm, and led his servants to prison,* as you may read, chap. 36. and then sued the said Cliff, by an english bill, in the exchequer, and held him in suit, five years and upwards, the suit being commenced, in the name of the mayor and burgeses of Newcastle, complainants, against Tho. Cliff, defendant. The merchants and burgeses, of that corporation, came in as witnesses, in their own cause, as you may find upon record, in the exchequer, where they were examined, in the year 1649, Jan. 27. by vertue of a commission, &c. also they were cross examined, &c. which said suit, was transferred to the common law, and to be tried at York assizes, in hillary, 1651. The verdict went for the defendant, Cliff; which said judgement expresses, that the mayor and burgeses ought to be severely fined, &c. for their unjust claim, in that port of the river of Tyne, and shall pay 30l. costs, &c. which said bill is in the office of pleas, in Lincolns-Inn, &c. See chap. 19. (C), 24. (A), 25. (A), 54. 28.

C H A P. XXVII.

To the supream authority, the parliament of the commonwealth of England.

The humble petition of Ralph Gardner, of Northumberland, gent. in behalf of himself and many others, whose desires are thereunto annexed, &c.

Sheweth,

(A) **T**HAT many great complaints, of grievances and oppressions, presented to the council of state, in the year 1650, in writings, by many captains, and masters of ships, with others, against the magistrates of Newcastle upon Tyne, in relation to trade and navigation.

The council of state, by order, transferred the same to be examined, by the council for trade, and after a long debate, at several times, divers witnesses were sworn, and counsel had on both sides.

The council for trade, drew up a report thereupon, to present to the parliament, conducing much to the good of trade, and navigation, which said report hath lyen dormant, ever since, to the great detriment of the commonwealth, in the excessive prizes of coales, and otherwise.

Your petitioner humbly prays, that those reports and papers, may be called for, and reviewed, and these annexed desires inserted, to do therein, as to your wisdoms and justice, shall seem meet,

And as in duty bound, shall pray, &c.

RALPH GARDNER.

Henry Ogle,
29. Sept. 1653.

Gardners desires to the parliament.

(B) **T**HAT North-Shields be made a market town, it being seven miles from Newcastle, and twelve miles from any market, in the same county, which would relieve the garrison of Tinmouth castle, the inhabitants, which be thousands, the great confluence of people resorting thither, the great fleets of ships daily riding there; would further them to make many more voyages in the year, save boats and mens lives, which are often in danger of being cast away, in stormy weather*; also, by which means, the people would be relieved with provisions, during the time the river is frozen, and half in half cheaper, than from the second hand; besides the loss of a daies labour, and great charge to the poor, in going by water, in boat-hire; and save the life of many a man and beast, from falling into coal-pits, which lies open, after the coals wrought out; being covered
with

with snow, &c. See chap. 29. (A), 48. (A), 49. (B), 50. (A), 51. (A).

(c) That the mayor and burgesſes, may no more imprifon poor artificers, onely for working upon their trades, in or about the river. See chap. 36. (A), 38. (A.C).

(D) That they may not caſt men into priſon, for ſaving of ſhips from ſinking, nor keep men in priſon, till they give them bond, never to work upon their trade again. See chap. 33. (A), 36. (A), 38. (A).

(E) That they may not force all goods, brought in by ſea, for the ſalt and coal-works uſe, at and near the Shields, to be carryed up to Newcaſtle, where there is no uſe, for the ſame. See chap. 50.

(F) That the coal owners of Northumberland, and county of Durham, may have free liberty, to ſell their own coals to ſhips, and not to be inflaved, by the free hoſt-men, of the town of Newcaſtle.

(G) That any perſon may have liberty, to build ſhips and veſſels, in the river of Tyne, without the moleſtation of the magiſtrates, of the town of Newcaſtle, for the increaſe of trade and navigation.

(H) That no maſters of ſhips may be imprifoned, for refuſing to ſwear againſt themſelves, according to the practice of the Star-chamber, it being a great diſcouragement to trade, and diſquieting of the ſpirits, of many conſcientious perſons, &c. See chap. 39. (A), 49.

(I) That all unreaſonable, and arbitrary fines, may be mitigated, as ſhall be agreeable to juſtice, and equity. See chap. 41. 42. (A).

(K) That no more ſhips may be compelled, up the dangerous river, ſeven miles, whereas, they need to go but one mile; never any coals, being to be had at Newcaſtle, which would ſave many ſhips from ſinking, and cauſe them to make upwards of three voyages in the year more than they do, which would cauſe, two or three hundred thouſand chaldron of coals more to be ſold, and the exceſſive prices to fall,

fall under twenty shillings the chalder, all the year.
See chap. 29. (C), 32. (C), 31. (A).

(L) That the trust of the river of Tyne, be put into faithfull commissioners hands, the mayor, and aldermen, and commissioners of Newcastle, having betrayed the trust, reposed in them, for conservancy thereof; that whereas within this twenty years, above twenty ships, of the burden two hundred tuns, rid afloat, in most road-steads, in the said river, now, not above four, of the same burden, at low water. See chap. 12. (1), 34. (C.), 35. (A.B.).

(M) That their charters, granted to their corporation, may be called in, and viewed, and other grants and orders, granted by king James; and what is found offensive to the commonwealth, may be repealed; as it now stands, proves destructive to the peoples right. September 29. 1653.

All which are presented to your honours, to do therein as God shall direct you, for the good of his people.

RALPH GARDNER.

Tuesday, October 5, 1653.

(N) **T**HE petition of Ralph Gardner, of Northumberland, gentleman, in the behalf of himself, and many others, whose humble desires are thereunto annexed, being this day read, the committee conceives it proper, for the committee for trade, and therefore, do recommend the same to their consideration.

ANTHONY ROUS.

At the committee for trade and corporations, sitting at Whitehall, Oct. 18. 1653.

(O) **W**HEREAS a petition hath been exhibited, to this committee, by the said Ralph Gardner, of Northumberland, gentleman, in the behalf of himself, and many others, complaining of
K several

several grievances, they sustain, by the corporation of the town of Newcastle; it is ordered, that the said petition, and complaint, be taken into consideration, by this committee, on tuesday, the 15. of November, next, whereof the mayor and corporation of Newcastle, aforesaid, are to have convenient notice.

SAMUEL WARNER.

(P) The mayor and burgeses of Newcastle, petitioned the committee, beseeching their honours, for a copy of the petition, and paper exhibited, and to grant them fourteen dayes time longer, to make their defence, which their honours granted, but ordered their agents to attend, the 15. day of Nov. to hear the witnesses, on the commonwealths behalf, examined, and to receive, what further should be brought in, by way of charge, against the corporation, by reason, a great trial was had before their honours, with the late farmers of the customes, which took up all that day; the eighteenth day was appointed, for Newcastles businesse, on which day, most of the witnesses were examined, upon this following charge, and proved it, in prefence of the corporations agent, and when they were all dismissed and gone, the agent desired further time, and the witnesses to be crosse examined, to which the honourable committee replied, that further time they would not give, in a matter of so high concernment, and it was too late to crosse examine the witnesses, he not desiring it, when they were there, and he present, but granted him a copy of the charge.

CHAP.

C H A P. XXVIII.

The heads of the charge, exhibited by Ralph Gardner, of Northumberland, gent. to the committee for trade and corporations, against the mayor, and burgessees of Newcastle, 1653.

(A) **T**HAT the mayor, and burgessees of Newcastle upon Tyne, have, and do imprison artificers, only for their working, upon their lawfull trades. (See stat. 1. 1301.)

(B) That they do force masters of ships, to cut purses, in their open court, for gain to themselves, and imprisons them, if they refuse. See stat. 8. Eliz. 4.

(C) That they force all masters of ships, to swear against themselves, and notwithstanding they have swore the truth, others are called in, to swear against them, which is for a fines sake, which profit accrues to the mayor, burgessees, and witnesse, for their own use.

(D) That they do impose arbitrary fines, so excessively, that without payment, is committed to prison, which said masters are there detained, till the said fine be paid.

(E) That they have robbed people, in their open markets, and in passing through the town, of their goods, alledging foreign bought, and foreign sold. All people, not being free of that town, are reputed foreigners.

(F) That they have imprisoned men, for saving ships from sinking, and detains them till compound; whose poor wives and children, are ready to starve; also keeps them in prison, till they enter into bond, never to work upon their trades again.

(G) That they of that corporation, have taken an oath amongst themselves, not to work with, nor im-

ploy any un-freemen, but to suppress all such from working, in that corporation, or the whole river of Tyne.

(H) That they do imprison poor masters of ships, for letting their ships from sinking, and denies bayl.

(I) That they seize of all such goods, as any poor master doth save, when their ships are sinking, which is all the poor master hath left in the world, to relieve his wife and family, and poor sea-men.

(K) That when any ship is sinking, though seven miles from Newcastle, none must help to save her; but Newcastle-men must be sent for, who comes at leisure, besides having his demands, which is excessive.

(L) That they ingrosse all merchandize, and other dead victual, and provision, which comes in by sea, and then forces the countries, to give them their own rates, for what they want.

(M) They will not suffer any provisions to be bought at Shields, or any market to be there, notwithstanding people are often drowned, in going and returning from Newcastle markets, and also, many are ready to starve in the winter season, by reason the river is then frozen up, and so become innavigable.

(N) That they, by ingrossing all corn into their hands, have kept it to so excessive rates, that the poor could not buy it, but have been constrained to eat beasts blood baked, instead of bread.

(O) That by such hoarding up the corn, and the people not able to buy the same, being so dear, many country people, were necessitated to eat dogs and cats, and to kill their poor little coal-horses for food.

(P) They have hoarded up so much corn, and keeping it for such excessive gain, that in the very time of scarcity, and misery amongst the people, many have been found starved to death in holes; hundred bouls of corn were cast into the river, being
spoyled

spoyled with the rats, and rot : The very swine could not eat it.

(Q) That they will not suffer any of the coal owners, in any of the two counties, to sell their own coals, but the owners must either sell their coals, to the free hoast-men, at what price they please, and then all ships must give them their own price, or get none, which makes coals so dear.

(R) That no ship shall be loaden with coals, &c. that will not do, what the mayor and burgessees commands them, by going up the river, seven miles with ballast, to their great losse of time, and hurt of their ships.

(S) That ships have been often ten or fourteen daies, in sailing up and down the river, onely to discharge their ballast, they, for the most part, taking in their loading at Shields. See chap. 32. (C).

(T) That other ships, which have taken in their loading at Shields, with coals and salt, have made their voyage, to London and back, before such ships, which were so compelled to Newcastle, could get ready, and, ordinarily, is the cause of their loss of three voyages in the year, by such compulsions. See chap. 32. (D).

(U) That they force all ships, with materials, brought in by sea, for the absolute use of the salt-works, and coal-works, at and near Shields, to be carried to Newcastle, and laid out upon their key, though they have no use for the same, and the customs being already paid, and officers at Shields attending ; often the boats that fetches them sink, in returning to Shields. See chap. 50. (C).

(W) That ships have often sunk, in returning empty from Newcastle to Shields, there being nothing to be had at Newcastle, and such ships are onely to take in salt, or coals, at Shields : No salt to be got elsewhere, but at Shields, in that river, and thereabouts. See chap. 29. 30. 32.

(X) That

(x) That they will not tollerate any seaman, though never so able a pilot, to guide a strangers ship into the river, over Tynemouth-bar, though he be in never so great distress, but a freeman must be sent for, from Newcastle, there being but two at Shields, by means whereof the ship is often ready to be lost, before any can get seven miles up, and seven miles back again. See chap. 32. (A).

(y) That they force all ships, though never so long, great, or weak, to sail up the river, to cast out their ballast upon their shoars, for the gain of eight-pence, for every tun a ship carries, which is an arbitrary imposition, see chap. 32. (B.C), it formerly being but four-pence; and one ship with another, carrys an 100 tun, every voyage, &c. See chap. 29. (C).

(A.B) That they force masters of ships, to pay for eighty tun, when indeed they have but forty tun, and so oppres the poor masters, whereby the price of coals must needs be enhanst. See chap. 44. (A).

(A.F) That they have spoiled the river, with their ballast shoars, by ships sinking in sailing up the river, and returning back, their ballast-shoars being so full, and heavy, and hilly, that every shower of rain, and storm of wind doth blow and wash down the ballast into the river, besides the weight, in pressing down the walls, to the great prejudice of the commonwealth; by the obstruction of the river, and endangering of shipping. See chap. 34. (A), 35. (A.B).

(A.G) That by the negligence of the commissioners, for the river, above three thousand tuns of ballast have fallen into the river, in one nights time. See chap. 34. (C). None taken up, &c.

(A.H) That within this twenty years, where twenty ships of a certain burden could have rid afloat, in most road-steads in the river, at a low water mark, now, not above four ships can ride afloat, &c. See chap. 35. (B).

(A.I) That ships have made twelve voyages in the year, within this 20 years, when they had liberty, to
cast

cast their ballast at Shields, and now, they make but four or five voyages only, being obstructed by the mayor, and burgessees of Newcastle, in compelling the ships up the river, seven miles, to cast out their ballast, upon their own shoars, &c. See chap. 32. (D).

(A.K) That they will not suffer any ballast-shoars to be built, at or near the Shields, by reason, the owners of the ground will not sell it to them, notwithstanding there are convenient places, for shoars, for above this hundred years to come, without any prejudice to the river, and to the great advantage of the commonwealth. See chap. 29. (C).

(A.L) That they do hinder the stock of the publick revenue, above forty thousand pounds per an. in customs, *declaro*. See chap. 45. (B.E.F), 32. (D).

(A.M) That they do hinder a trade, all the winter season, by reason, neither ships, nor boats, can pass up the river, which is often frozen, below the ballast-shoars, called the Bill-point, and half down the river, it never freezeth lower. See chap. 35. (B).

(A.N) That the mayor, and burgessees of Newcastle have combined, and made new ordinances amongst themselves, that what free hoast-men, or filler of coals, shall sell any coals, to such ship-masters, as shall cast any ballast at Shields, and not upon their own ballast shoars, shall forfeit and pay, 20l. a time, or lie in prison, till the same be paid. See chap. 43. (D), 30. (D).

(A.O) That all such coals as shall be sold, and not being free of that corporation, shall be confiscated, for the corporations use. See 21. chap. (A).

(Some say, if what is here alledged, be nothing but the truth, it were pity, but they should receive judgement, according to their respective offences, but if it appear otherwise, it were pity, but the evidence upon oath, with myself, should receive the same judgement.)

(A.P) That the mayor and burgessees, by having betrayed the trust, repofed in them, by king James, in the

the two and twenty articles, for the preservation of the river of Tyne, have forfeited all that corporations liberties, into the states hand, by the exorbitant abuses committed, and neglect, in not putting them in execution. See chap. 13. (A), 34. (C).

(A.Q) All which said charge was proved upon oath, before the council, at White-hall, 1650, and the committee for trade and corporations, at White-hall, in November, 1653. And order was given, that Mr. Thomas Skinner, be desired to draw up an act, for a free trade, in that port, and river of Tyne, to present to the parliament, see chap. 54. (which act was intended.) Whether it be consonant to religion, or reason, that these things so perpetrated, aforesaid, against the good of a commonwealth, should be neglected, and in not being timely regulated, I refer to better judgements.

RALPH GARDNER.

(A.R) Mr. Mark Shafto, Mr. Ralph Jennison, Mr. Robert Ellison, Mr. Tho. Bonner, the recorder, and aldermen of Newcastle, with Mr. John Rushworth, one Maddison, and one Michael Bonner, with many more of the burgeses, appeared at White-hall, on the 29. of November, being the day appointed, for the town to plead to the charge, they having had the copy of the charge, where the full committee was met, and many parliament-men more, where the petition, the charge, and the desires were read, to the foregoing gentlemen.

(A.S) The corporation, agents, and aldermen, humbly begged ten weeks longer time, by reason they were not ready, nor prepared to answer the charge, for it struck at all that was neer, and dear unto them*; and hoped the town would not be surprised, and that they did conceive Mr. Gardner had sent down that order to affront the town, by reason it was dropt at the mayors door, by a boy; and that there was a paper, printed by Mr Gardner, which

was

* Oppression.

was as full of lyes, as words, which did conclude them, and dishearten their witnesses, also, that the Scots having tumbled their records, could not draw up an answer in so short a time.

(A.T.) In answer to the town, it was humbly moved, their honours would give no longer time, by reason it was the day set, and agreed upon, that they of the corporation should plead, and that it was no new matter insisted upon, but what was debated at that board two years before; the records and judgement, given against Newcastle, being in their honours custody, and that they were as well able to plead then, as at any other time, and if there were any new matter, it should be withdrawn, and was willing to joyn issue, upon the former judgement, granted two years before, at the same board.

The towns agents altogether refused that, and hoped their honours would not insist upon the former judgement, but to give them longer time, they not being ready to plead to the said charge, nor came prepared, upon the earnest solicitation of the towns agents. The committee told them, that if they would deal clearly and candidly with them, as to give in writing, under their hands, such an answer to the charge, as they would stand and fall by, then they would give them their own time, if not, then they would record that fair motion, and that they must plead, by reason they appeared, and entred upon a plea, and their work was very short, for all that they had to do, was to plead guilty, or not guilty; if guilty, then to make it good by what law they did such things, as was laid to their charge, and if not guilty, then it was left to Mr. Gardner to prove his charge, (who indeed had proved all sufficiently) and therefore would give no more day, whatever, then the 13. of December, and Mr. Gardner left free, to bring in what more he had to charge them with. Upon the 12. day of December, the parliament was dismissed.

L

But

But the honourable committee, met in Whitehall, and drew up another report, and signed the same, against the corporation of Newcastle, and would have presented the same to his highness, the lord protector.

But I conceived to give a narrative was better, though it be large; yet such things as are pertinent, might be sooner collected, being put together, and more satisfactory to all hands, then lying in several courts distractedly; not doubting, but thereby to reap the fruits, according to my labour, I not in the least despairing, and am satisfied with the change, desiring God to go along with him, in all his highness undertakes.

C H A P. XXIX.

DEPOSITIONS.

Ships upon sands, others sinking, others sunk; boats, and provisions cast away, and people drowned, &c. and others cast into prison, for saving ships from sinking; all done at Newcastle, by order of those magistrates; all wreck being given them by charter.

SEE PLATE FIRST, FIGURE FIRST.

* Mr. Fuller.

* Andronicus or the unfortunate politician.

ANDRONICUS* the tyrant, and also an heathen king, being overcome with a reluctance of heart, seeing the miserable condition, poor merchants and sea-men were in, after shipwreck, (and should receive so bad a reward from people, whom they came to, for help or shelter) by having their goods seized on, their throats cut, and no relief afforded, by those, that got all the sea had cast up for succour, they never taking any pains for the same, made a law, whosoever took a bit of wreck,

Fig. I. page 74.

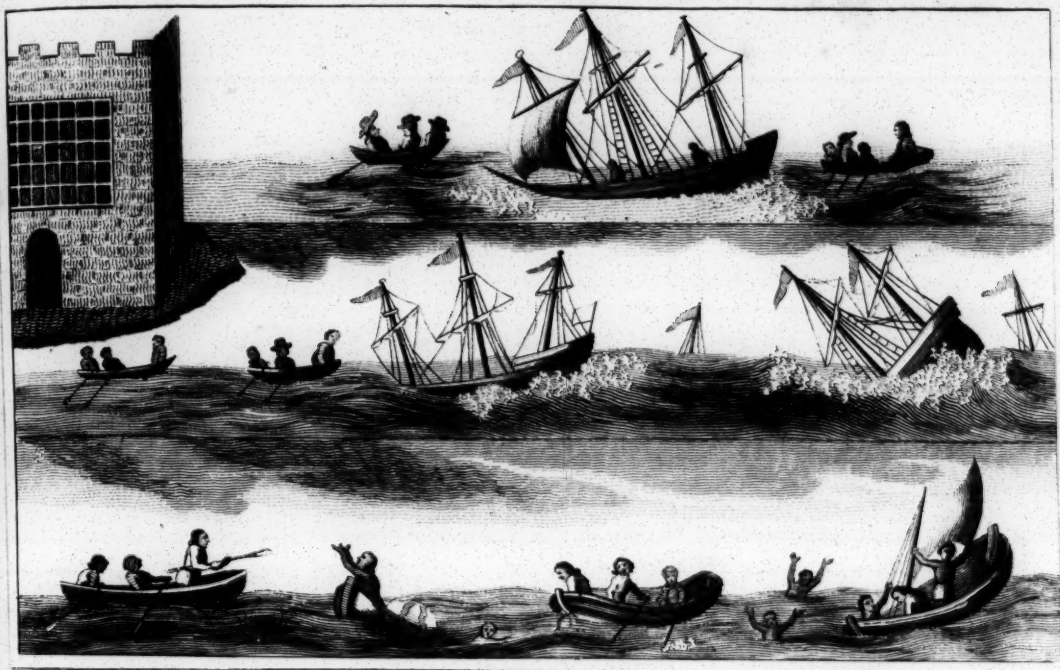
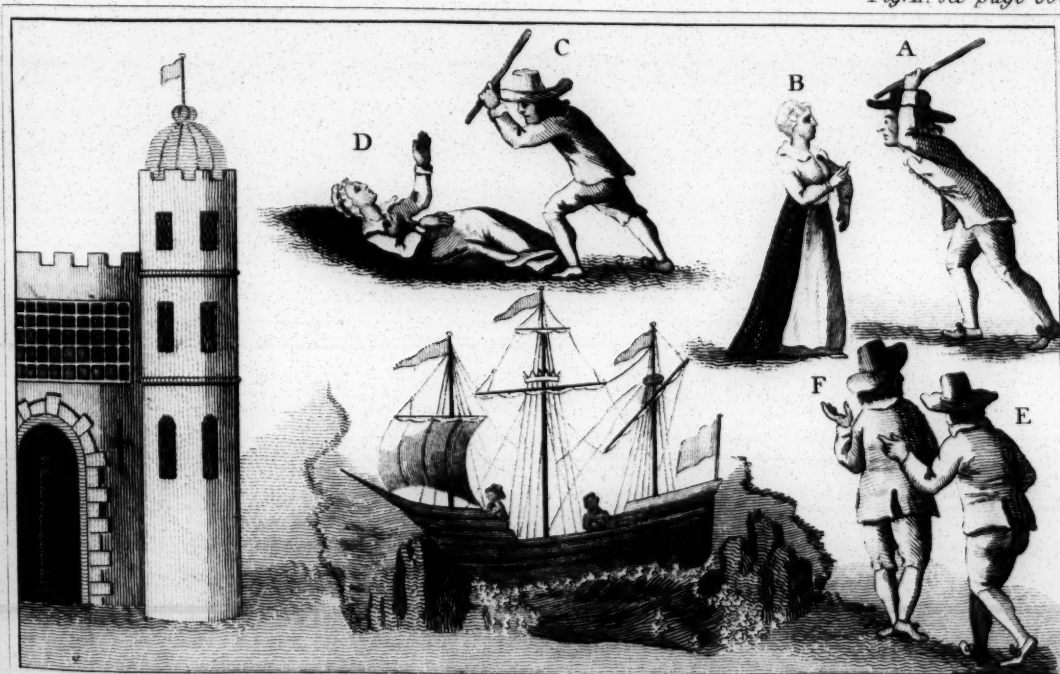


Fig. II. see page 86.



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wreck, for their own use, should be put to death, but that all should be preserved for a time, or the worth, for the right owner, and if not looked after by the owner, then for such, as were sufferers by shipwreck, for the future, and the people paid, for their pains in saving of it; for which law they were cannonized.

Let not tyrants and heathens out-strip us in mercy and justice. This law we want.

(A) Mary Hume, upon her oath, said, that all ships and boats, are compelled, by the mayor and burgeses of Newcastle, to sail up the river to their ballast shoars, and town, with all manner of victuals, which are brought into that river, and will not suffer any market to be at Shields, which is seven miles from them, and twelve miles from any other market town, in the same county, and that they compel all people to their markets,* by which means, she hath known many || ships and boats cast away, in the said river, by stormy weather. (Read stat. 27. Ed. 1.*) See chap. 49. (B*), chap. 10. (s), || 31. (A).

(B) She, the said Mary, further affirms, that she hath known many people drowned, and boats cast away in stormy weather, in that river, and provisions; and that in or about the year 1650, one William Rea of Shields, was drowned in coming from Newcastle market; also a young gentleman, son to Mr. Snape, minister, in Northumberland, was drowned in that river; both which were found, and buried at Shields, but no coroner* viewed their dead bodies, which she hath heard should have been done, by Newcastle's coroner, being tyed to it by charter. See chap. 10. (O.P). Also William Grays mother in-law, of North Shields, in going to market, was cast away, &c.

MARY HUME.

(c) John Mallen, master of a ship, upon his oath, said, that the mayor and burgesſes of Newcastle, do deny to load any ſhips, nor ſuffer any others to load them, with coals, who reſuſe to ſail up that dangerous river ſeven miles, to caſt out ballaſt upon their ſhoars, which compulſions cauſeth the loſſe of many ſhips,* and veſſels in that river, amongſt ſands, ſhelves, and ſunk ſhips, it being merely for the gain of eightpence per tun, of ballaſt. See chap. 31. (A.B.), 32. (B)*.

(d) That he, this deponent, was in company with one Mr. James Beats, of Alborough, who was maſter of a new ſhip, being compelled to ſail up the river, to caſt out his ballaſt, upon their unlawful ballaſt ſhoars, and in returning to Shields, to take in her loading of coals, in the middle of the river, his ſhip ſunk, and none durſt help to ſave her, for fear of being imprifoned, as others were for the like, nor to weigh her up again. See chap. 30. (A).

(e) The free-men came, and required a greater ſumme* to weigh her up, then ſhe was worth; ſo the poor maſter was forced to leave her, upon ſmall termes; but ſoon after, they got her up, and ſet her to ſea, for their own uſe, which the ſaid maſter, Beats, might have done the like, if thoſe of Newcastle, would have tollerated the un-freemen to work, who were as well able to perform that ſervice. See chap. 30. (F), 36. (A)*, ſtat. 2. Ed. 6. 15.*

All wreck is given to them. See chap. 10. 8.

JOHN MALLEN,
THOMAS HEISLEWOOD.

C H A P. XXX.

(A) **T**HOMAS GOSNAL, master, affirms, that the mayor and burgesſes of Newcastle, by compelling all ſhips, up that dangerous river of Tyne, ſeven miles, is the cauſe of the loſſe of many ſhips; and that Mr. Caſon loſt his ſhip upon the Bill-point, which ſunk, but by weighing her up again, it coſt him near two hundred and fifty pounds, all which might have been ſaved, if ſhips could be tollerated to caſt ballaſt at Shields. See chap. 25. (B), chap 10. (s), 32. (C.E).

THOMAS GOSNAL.

(B) Edmund Tye, of Ipſwich, ſenior, upon his oath, ſaid, that being with his ſhip, laden with coals, riding at anchor, at Shields, with the fleet of ſhips, ready to put forth to ſea, his ſhip ſunk, by a ſad diſaſter to his undoing, being moſt of it his own, and in the time of ſinking, procured help to ſave what goods he could, for relief of himſelf, and ſea-men, who had ſaved to the value of one hundred and fifty pound, and ſent them on ſhoar, to Shields, in the county of Northumberland.* The mayor, and burgesſes of Newcastle,

(c) Sent down their officers, and ſeized of all his goods, and ſent them to Newcastle, and carried him, this deponent, to their priſon, and kept him above fix months, becauſe his ſhip ſunk. The goods and ſhip, were worth about eleven hundred and fifty pound, and would detain him in priſon, till he did weigh up the ſaid ſhip, who had not wherewithall to relieve himſelf, Exod. 22. 21. notwithstanding they were certified ſo much, under the bayliſſs hands, and town ſeal of Ipſwich, and had continued him longer, if he had not procured a habeas corpus, for his removal, to London. See chap. 25. (B), 10. (s), ſtat.

(s), stat. 3. Edw. 1. 15. 34. 14. Rich. 2. 9. 23.
Hen. 6. 10.

EDMUND TYE.

(D) Thomas Heislewood, of London, master of a ship, upon his oath, said, having taken in his ships loading of coals, in the river of Tyne, was putting forth to sea, with the fleet, but by a storm was cast ashore, near Tinmouth-bar, and in great danger of their lives, which were on board of the said ship, and was constrained to cast his coals into the sea, and thereby got his ship to Shields, where she lay like a wreck, the water having free passage in and out.

(E) He, this deponent got on shore, and repaired to one ——— Collier, a free carpenter of Newcastle, desiring him to mend his ship, and, for hastes sake, he would procure thirty or forty of his neighbours, masters of ships carpenters, to help him, but the said free carpenter replied, that he had taken an * oath in Newcastle, with their company, neither to work with any unfree carpenter, nor to set any on work, by which means, he, this deponent, was constrained to patch up his ship, with his single carpenter, and adventure to London, to get her upon the stock, where he, and his company were in great hazard of their lives, and losse of the ship. See chap. 10. (s), see stat. 19. Hen. 7. 7. (2. Edw. 6. 15. *)

THO. HEISLEWOOD.

*If all masters should be thus tyed to buy all things of them, judge of the consequence.

(F) Henry Harrison, master, upon his oath, said, that his ship was laden with corn; coming in at Tinmouth-bar, lost her rudder, or steerer of his ship; he, this deponent, desired another, of a free-man of Newcastle, who would not furnish him, under forty shillings,* but this deponent got a good one, of an un-freeman, one Thomas Cliffe, of Shields, carpenter. See chap. 29. (E), 36. (A), for 6s. 8d.

HENRY HARRISON.

CHAP.

C H A P. XXXI.

(A) **M**ICHAEL BONNER, of Newcastle, merchant, and water-sergeant, in Janu. 1649, being examined upon oath,* at Gates-head, by virtue of a commission, in a cause depending in the exchequer, between the mayor and burgessees, complainants, and Thomas Cliffe, defendant, said, that a ship, called the Adventure, of Ipswich, which was sunk in the year 1646, (Mr. Thomas Cason being master;) one other ship, called the Providence, of London, (Humphrey Harrison, of London, being master,) which sunk in the year 1649; one other ship, called the Refuge, of Ipswich, sunk in October, 1649, (Mr. Edmund Tye, being master;) another ship, called the Henrietta Maria, sunk in the year 1644; all which ships were weighed out of the river of Tyne, at the sole charge of the mayor, and burgessees of Newcastle.

MICHAEL BONNER.

Some calls this deposition perjury,* but I refer it to the judgement of the reader, that reads the following deposition, which proves, that most of the above-said ships lye sunk, and did, three years after the deposition. See stat. 5. Eliz. 9.*

(B) Cap. George Phillips, of London, upon his oath, said, that there lyes several ships sunk in the river of Tyne, between Sparhawk and Heborn Steath, namely, the Adventure,* of London, Humphrey Harrison, of Sunderland, late master, sunk in, or about the year 1649; one other ship, called the Refuge, of Ipswich, sunk in October, 1649, at Shields, (Edmund Tye, the late master;) one other ship, called the Henrietta Maria, sunk in the river, in, or about 1644; and one other in the south road, late belonging to Mr. Bulman; and also, one other ship, belonging to a scotch-man, lyes sunk neer unto the low lights; and that the chiefe cause of ships sinking in
that

that river is, by being compelled, by the mayor, and burgesſes of Newcastle, to ſail up that dangerous river, to caſt ballaſt upon their unlawful ballaſt ſhoars, for the gain of eightpence, for every tun, ſo caſt out.

GEORGE PHILLIPS, AND

THO. HESILWOOD, PROVE THE LIKE.

C H A P. XXXII.

(A) **G**AWEN POTS affirms, that no ſtrangers ſhip whatever, though ſhe be in never ſuch great diſtreſſe, and ſinking, muſt be pylotted into the river, by any other ſea-man, then a freeman of Newcaſtle: In the intrim, one is ſent for, (being ſixteen miles forward and backward) often, either ſhe is loſt, or driven by ſtorm away.

MANY OTHERS PROVED THE LIKE.

(B) Jeremiah Low, maſter of a ſhip, upon his oath, 1650, ſaid, that the mayor and burgeſſes of Newcaſtle, compelling all ſhips up the river, to their ballaſt-ſhoars, amongſt the dangerous ſands, ſhelves, and ſunk ſhips, is the cauſe of much harm, and loſſe of many ſhips, and loſſe of many voyages in the year, beſides loſſe to the ſtate, and ſpoyl of the river; it onely being done for the lucre of eight pence, for every tun of ballaſt, to ſome private perſons, which brings them in many thouſands of pounds in the year, and that there are many ſunk ſhips in the river, between Sparhawk and Hebourn Steath. See chap. 29. (c).

JEREMIAH LAW, MR. PHILLIPS,

MR. HESILWOOD, PROVE THE LIKE.

(c) John Mallen, maſter of a ſhip, upon his oath, ſaid, that by the mayor and burgeſſes compelling ſhips

ships up the river, to their ballast-shoars, with their ballast, was the cause of Mr. Tye, and Mr. Morfes two ships running on the sands, neer Jarrow, where they were both in great danger of being lost.

Mr. Yaxleys ship in a condition of sinking, but three unfree carpenters being ready, saved her. Mr. John Willey in the like condition.

Capt. George Phillips was fourteen dayes, in getting up and down to Shields, by which means, much damage is done to their ships, and losse of several voyages, and trade is obstructed.

Capt. GEO. PHILIPS, Mr. HESILWOOD, Mr. CASON, Mr. MORS, Mr. YAXLY, and Mr. WILLEY, prove the like.

(D) Mr. Keeble, master of a ship, proves, that himself, with many other masters of ships, namely, Mr. Wright, &c. have made twelve voyages in the year, when they cast ballast at Shields, within these twenty yeers, and doubts not, but by Gods blessing, to make as many again, if the ships be allowed to cast ballast there, which may be done without hurt to the river, and more safety to ships, and a great renew to the publick; whereas now, being compelled up to Newcastle shoars, which hath spoiled the river, they cannot make above four, five, or six voyages in the year, at most, which is many thousand pounds, per annum, losse to the state, in custome.

KEEBLE.

(E) Henry Robinson, upon his oath, said, that being compelled, by the mayor and burgeses, up the river to their ballast-shoars, his ship set upon a sand, and broke her keelson, to his great damage, and losse of voyage; and that Mr. Cason his ship, set upon the point of the Bill, and overset, which cost him two hundred and forty pound, the recovering of her again, besides the losse of voyage.

THOMAS GOSNALL, proves the like.

M

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C H A P. XXXIII.

(A) **T**HOMAS CLIFFE, upon his oath, said, that in April, 1646, Arthur Lyme, master of a ship, being in the river of Tyne, his ship in great distresse and danger of sinking, obtained the present help of three ship carpenters, which were ready at hand, to save his ship from sinking; and because they were not freemen, the mayor and burgeses of Newcastle, sent down several carpenters, belonging to Newcastle, to force them from work, and carried them away to prison, with the said master, for setting them on work, no tryall at law was had, or other offence committed.

THO. CLIFFE.

C H A P. XXXIV.

(A) ——— BIGS, upon his oath, said, that all the ground,* on both sides of the river of Tyne, to a full sea-mark, is the right of the town of Newcastle, and belongs onely to the mayor and burgeses, all the way from Sparhawk to Headwin streams, and that he knoweth the same, by reason he hath seen often the water-sergeant of Newcastle, (by name Charles Mitford) arrest men, both masters and others. This deposition was taken in behalf of Newcastle, at Gates-head, in Jan. 1649, in the suit, between the town and Cliffe, and remains in the exchequer.

———— BIGS.

Some calls this also perjury, but it is left to the judgement of the reader, in reading the next deposition. See chap. 18. (D.F.), stat. 5. Eliz. 9.*

(B) William

(B) William Gibson, of Newcastle, merchant, in Jan. 1649, at Gates-head, upon his oath, said, that the ground, on both sides of the river of Tyne, from Sparhawk to Headwin streams, from a low water-mark, was not belonging to the town, nor mayor and burgeses of Newcastle, but to the respective owners, in each county, adjoining on the river, and that he knew the same, by reason of former trials, and so adjudged; and that the town had only the arresting upon the water, but not upon the land. See chap. 20.

WILLIAM GIBSON.

(C) Thomas Horth, of London, merchant, upon his oath, said, that he had known the river of Tyne, above five and twenty yeers; and that by reason of the mayor, and burgeses of Newcastle, compelling all ships with ballast, to sail up the river, seven miles, to unload their ballast, and out of keels, upon their own shoars, by ballast, and other rubbish falling in, hath spoyled three parts of the river;* whereas within this twenty yeers, twenty ships of the burden of two hundred tuns a piece, could have rid a float, in most road-steads in that river, || and now, not above four or five, at a low water-mark, by reason they have so little ground, that it is so over full, and hilly with the ballast, that the winds and rains, every time, doth wash and blow great quantities off, into the river; and that in one night, the shoar called the Bill-ballast-key, brake down, and, at least, three thousand tun of ballast, sand, gravel, and stones, fell down into the river,* and they never knew any taken up.

* Neither will the mayor and burgeses suffer the owners of grounds, adjoining to the river, to a low water mark, to build any wharfs, keys, or ballast-shoars, though more convenient then any are, and would serve for many years, without any prejudice to the river, to unlade all ballast at; neither will

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they;

they, the said owners, sell their grounds to the said magistrates, to be inflaved, by which means the river is spoyled. See stat 34. Hen. 8, 9. * 30. Ed. 1. || See chap. 12. (6.) 14. (B.)

THOMAS HORTH, GEORGE PHILIPS, and
THO. HASILWOOD, prove the like.

C H A P. XXXV.

(A) **G**EORGE PHILIPS, captain, master of a ship, of London, upon his oath, said, that the mayor, and burgeses of Newcastle, is the cause, of hindring a trade for coals, salt, &c. the greatest part of the winter season, to the great impoverishing of the two counties, Northumberland, and Durham, out of which all coals, salt, &c. comes, (none being to be had, nor ever was in Newcastle) by reason the aforefaid mayor, and burgeses having the pre-emption, and will not let the right inheritors sell their own coals, to any ships; (B) nor suffer any of the owners to build ballast-shoars, upon their own land, except they will sell it them; many of which places, neer unto the Shields, is far more convenient, then any of those unlawful shoars, belonging to themselves, at, or neer Newcastle, in the highest part of the river, which hath so much spoyled the said river, especially a place called the Pace-sand, that it is the spoyle of many ships, in sayling up and down, to cast out ballast, and to take in coals. (C) That it must be a good neap tyde, that there is above ten foot, and a half, at high water, and most ships draw twelve foot; also, where there hath lately been ten foot at low water, in a place called the Bill, there is not now above eight foot, occasioned by the sand, and ballast falling off the towns ballast-shoars; (D) and

and that the river, in the winter, is often frozen, below the towns ballast shoars, at the Bill, (but never lower) that no ships can get up to unlade their ballast, and take in coals, salt, &c. all salt being made at Shields, where the river is never frozen; but all ships restrained from casting ballast there, though there be more convenient places, and would serve all ships, to cast their ballast, for above fourscore years, without any hurt to the river, or shipping, (F) and cause them to make more voyages in the year.

JOHN MORS, WALTER KEEBLE, JAMES SHRIVE, THOMAS HESILWOOD, ROB. SWALLOW, GEORGE HILL, JOHN KEEBLE, HENRY HARRISON, and many other masters of ships, prove the like.

(B) Thomas Hasilwood, of London, master of a ship, upon his oath, said, that all the ballast-shoars above the Bill-reach, have been the spoyl, and ruine of the river of Tyne, and doth believe, that if no care be taken speedily therein, there will be no navigable river, to the utter impoverishing of those counties, and a great prejudice of the whole nation, the greatest part of navigation, in that river being spoyled, as appears in most road-steads, in the said river of Tyne, what with the ballast falling in, and ships sunk, that when, as within these twenty years, twenty ships of the burden of two hundred tuns, could have rid afloat at low water, at St. Lawrence road-stead, now not above three ships of the same burthen; at the Hands and Dents hole road-steads, where twenty ships of the same burthen, now not above eight can ride afloat; at St. Anthonies, where twenty of the same burthen, now, not above three can ride afloat; at the Bill road-stead, where twenty of the same burthen might have rid, now not above six; at the North road-stead, where twenty ships of the same burthen could have rid afloat, now not above four; and at the South road-stead, where twelve ships

ships of the same burthen could have rid afloat, at low water, now not above three can ride; (B) and that within these few years, when ships did cast ballast at Shields, without the molestation of the mayor and burgessees, ships made ten or twelve voyages in the year, whereas now, they can make but four or five voyages. See stat. 34. Hen. 8. 9. 23. Hen. 8. 5.

THO. HASILWOOD, ROB. YAXLEY, GEORGE PHILIPS, WALTER KEEBLE, and HENRY HARRISON, with many more masters of ships, prove the like.

C H A P. XXXVI.

A. *John Hall*, B. *Ann Wallice*, C. *Thomas Rutter*, D. *Ann Cliff*, E. *Free Carpenter*, F. *Cliff's man*.

(SEE PLATE I. FIG. 2.)

(A) **H**ENRY HARRISON, master of a ship, upon his oath, said, that in April, 1646, a ship sailing into Tinmouth haven, by storm, was cast upon the rock, near Tinmouth castle; the master got ashore with all expedition, and obtained the present help of an antient ship-carpenter, by name, Thomas Cliff, of North-Shields, with three of his men, to save the said ship from perishing, which ship had been quite lost, if the said master should have run to Newcastle, to have agreed with the free carpenters, whose excessive rates* and demands, often surmounts the value of the ship in distress, and their tediousness, in coming and going that distance, that often the ships in distress are quite lost.

(B) The

(B) The said Cliff, and his men, saved the ship, and got her off, and brought her to the lower end of the North Shields, and laid her upon the sands to mend her, where the three carpenters were at work, and Ann, the wife of Thomas Cliff, and Ann Wallice, his daughter, standing, (to see their servants work) near unto the ship.

(C) The mayor, and burgessees of Newcastle, sent Thomas Rutter, and John Hall, two sergeants, with Thomas Otway, Richard Toderick, and other free carpenters of Newcastle, to Shields, to seize upon all the aforesaid workmen, for daring to save any ship from sinking, in that river, with command to carry them to prison.

(D) The two women seeing their servants trailing away, railed against their evil practices, for which, Thomas Rutter, with a club, by several blows upon Ann Cliffs body, and head, knockt her down to the ground; the other sergeant, John Hall, by several blows, with a rule or truncheon, broke Ann Wallice her arme, and then perceiving souldiers coming from Tynmouth castle, both the said sergeants fled to Newcastle, where they were protected from the hand of justice.

(E) The said Ann Cliff was taken up, carried home, got to bed, and in a few weeks dyed* thereon, for which the said Rutter was indited, and found by the jury, guilty, yet did not suffer. The said woman required her friends, as they would answer it at the last day, they should require her blood at the hands of Rutter, he being her death. The poor men kept in prison,* and Cliff kept in suit at law, for his working, by Newcastle, and his men, and they forced to give bond never to work again. See chap. 25.

(B), 29. (E), 30. (F), 1. Edw. 6. 12*.

HENRY HARRISON, THOMAS CLIFF, AND
ELEANOR LOUNSDALE, ALL PROVE THE LIKE.

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ships of the same burthen could have rid afloat, at low water, now not above three can ride; (B) and that within these few years, when ships did cast ballast at Shields, without the molestation of the mayor and burgeses, ships made ten or twelve voyages in the year, whereas now, they can make but four or five voyages. See stat. 34. Hen. 8. 9. 23. Hen. 8. 5.

THO. HASILWOOD, ROB. YAXLEY, GEORGE PHILIPS, WALTER KEEBLE, and HENRY HARRISON, with many more masters of ships, prove the like.

C H A P. XXXVI.

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(B) The said Cliff, and his men, saved the ship, and got her off, and brought her to the lower end of the North Shields, and laid her upon the sands to mend her, where the three carpenters were at work, and Ann, the wife of Thomas Cliff, and Ann Wallice, his daughter, standing, (to see their servants work) near unto the ship.

(C) The mayor, and burgessees of Newcastle, sent Thomas Rutter, and John Hall, two sergeants, with Thomas Otway, Richard Toderick, and other free carpenters of Newcastle, to Shields, to seize upon all the aforesaid workmen, for daring to save any ship from sinking, in that river, with command to carry them to prison.

(D) The two women seeing their servants trailing away, railed against their evil practices, for which, Thomas Rutter, with a club, by several blows upon Ann Cliffs body, and head, knockt her down to the ground; the other sergeant, John Hall, by several blows, with a rule or truncheon, broke Ann Wallice her arme, and then perceiving souldiers coming from Tynmouth castle, both the said sergeants fled to Newcastle, where they were protected from the hand of justice.

(E) The said Ann Cliff was taken up, carried home, got to bed, and in a few weeks dyed* thereon, for which the said Rutter was indited, and found by the jury, guilty, yet did not suffer. The said woman required her friends, as they would answer it at the last day, they should require her blood at the hands of Rutter, he being her death. The poor men kept in prison,* and Cliff kept in suit at law, for his working, by Newcastle, and his men, and they forced to give bond never to work again. See chap. 25. (B), 29. (E), 30. (F), 1. Edw. 6. 12*.

HENRY HARRISON, THOMAS CLIFF, AND
ELEANOR LOUNSDALE, ALL PROVE THE LIKE.

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C H A P. XXXVII.

(A) **T**HOMAS SALKIELD, gent. upon his oath, said, that he, being at Shields, in the county of Northumberland, upon the two and twentieth day of May, 1653, saw a great number of men, belonging to Newcastle, with swords drawn, and pistols cockt, who invironed a gentleman, who was peaceably in his house, and shot at some of the said gentlemans servants, and beat his wife, and much blood was spilt, they pretending they came by warrant, and produced a warrant from the mayor, Mr. William Dawson, Mr. John Butler, sheriff of Newcastle, to take him and carry him away to prison, under pretence of debt; but the sea-men got ashore, fell upon the said Newcastle-men, wounded and disarmed them, and relieved the said gentleman. See stat. 2. Edw. 3. 3. 4. Rich. 2. 37. Hen. 6.

THO. SALKIELD, LETTICE HUME, MARY HUME,
AND MANY OTHERS, PROVE THE SAME.

(B) Thomas Salkield, gent. upon his oath, said, he knew a gentleman cast into Newcastle prison, upon a bare arrest, in August, 1652, and laid actions upwards of nine hundred pounds, where twenty pound could not be recovered; and kept him lockt up in a prison, from all comforts, in a tower, above 36 foot high, being forced to evacuate in the same room he lay, and eat his meat, by reason he was locked from the house of easement.

(C) He offered good bayl, free-men of Newcastle, who were accepted, and entered in the book, and two daies after rased out again, and he still kept there. He desired to be admitted to defend his own cause, in their court, but they refused it.

(D) Desired to go with a keeper to counsel, which was also denied; his friends and servants often not admitted to come to him.

(E) Proffered

(E) Proffered good bond to be a true prisoner, to the end he might have the benefit of the fresh aire, for preservation of his health, but at the goalers house; which the sheriff granted, at the first, but presently after refused, saying, that the mayor, aldermen, and himself had a meeting, and resolved, he should have no liberty, being an enemy against their privileges.

(G) The said gentleman offered them, that what any could recover against him by law, they should have it without law.

(H) Constrained to drink the goalers beer, not fit for mens bodies.

(I) No tryal ever against him; they disobeyed two or three habeas corpusses, which the sheriff received, and his fee, and was proffered to have their charges born, but never returned them.

(K) Refused substantial bond, to appear at London, before the judges, and after five months imprisonment, he brake prison, in February following.

(L) And he further affirms, that upon the third of February, 1652, one John Cuthbertson, being imprisoned, upon an action of 5*l.* debt, but no tryal ever had against him, for the same, was upon this gentlemen getting away, cast into the dungeon, by the command of the magistrates of Newcastle, where they laid fetters of iron upon him, to force a confession from him, whether he did not help the said gentleman out; where he lay upon the cold earth, without either bed, straw, or any other thing to keep him warm, or firing, and fed him onely with bread and water, and fused comfortable substance to be brought unto him.

(M) The poor man being not worth, in the whole world, forty shillings, and two children a begging, and himself kept in prison, after this impression, begging for food.

(N) And that he was certainly informed, that some of the officers of Newcastle, had counterfeited a letter, and set the gentlemen's name to it, and read it to the

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said

said prisoner, thereby perswading him to confess he helped him out of prison. - See stat. 23. Hen. 6. 10. 1. Edw. 1. 15. See chap. 41.

THOMAS SALKEILD.

Hornes Mirror saith, it is an abuse, that prisoners be charged with irons, before they be attainted, cap. 8. sect. 1. 2 Edw. 3. 10. 1. Edw. 3. 10.

Bracton saith, to lay a man in chains is against the law, for a prison is to keep, not to punish.

And it is commanded by the law, that neither felon, nor trespasser be punished, nor tormented, in prison, fo. 11. 17.

Fleta saith, it is lawful for sheriffs to keep prisoners in prison, but not to punish them, but keep them, &c. 33. Hen. 1. P. Inst. 54. See chap. 41. (A).

C H A P. XXXVIII.

(A) **R**ALPH TAYLER, publick notary, and steward to the carpenters of Newcastle, upon his oath, at Gateshead, in January, 1649, said, that the mayor and burgeses of Newcastle, did sue,* imprison,* and fine,* Robert Johnson, Alexander Hearon, and William Portice, of the town of Gateshead; John Hubbert, of South-Shields, and John Readhead, only for working upon ships, in the river of Tyne, being carpenters, and made them to pay their fines, imposed upon them, by the mayor and burgeses. See stat. 2. Edw. 3. 6. 28. Edw. 3. 3.* 9. Hen. 3. 29.* 43. Eliz. 2.*

RALPH TAYLER, and MICH. BONNER, prove the like.

(B) Michael Bonner, merchant, and water-sergeant of Newcastle, at the same time, upon his oath, said, that the mayor and burgeses of Newcastle, arrested and

and imprisoned, and set a fine, upon one John Hardcastle, a carpenter, for working upon a ship, in the river of Tyne, he not being a freeman of that corporation, and made him enter into a bond of 100l. in May, 1648, never to work upon his trade again, and made him pay his fine.

MICHAEL BONNER.

(c) John Hall, upon his oath, said, that the mayor, and burgeses of Newcastle, did arrest, imprison, fined, sued, and forced bonds, from one Richard Tayler, Henry Atcheson, and Robert Lambert, smiths, whose wives and families inhabits, at North-Shields, in the county of Northumberland, and Thomas Bocket, of Gateshead, in the county of Durham, smith, for no other offence than for working upon their lawfull trades, where they dwell; Tayler and Bocket stood out suit, Atcheson entered into bond, never to work upon his trade, to the ships on the the river, and Lambert kept in prison, till almost starved,* his wife and six small children begging for food. See stat. 9. Hen. 3. 29.* 43 Eliz. 2.

JOHN HALL.

(d) Ralph Bowes, of Newcastle, late burgeses, but disfranchized, upon his oath, said, in January, 1649, that, formerly, he had seen an antient writing, belonging to the mayor, and burgeses of Newcastle, purporting, that it was unlawful for any tradesmen to work, or live in any port, adjoyning to the river of Tyne, but onely at the town aforesaid, and that the mayor and burgeses, have had the punishing of all such as did work, as also the correction thereof, in that port, &c.

RALPH BOWES.

It is pittie this gentleman is not restored to his freedom again, for this his great discovery. Surely this said writing was made by the corporation themselves, it was so conscienciously drawn, it having so little regard to the weal of the publick.

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C H A P. XXXIX.

*D. The mayor and witnesses. C. The master swearing.
A. The master cutting a purse. B. The clarks telling
the mony. To swear against themselves, to be impri-
soned, to cut a purse, to pay a fine, are four punish-
ments for one offence.*

(SEE PLATE 2. FIG. I.)

(A) **T**HOMAS HASILWOOD, of London, master of a ship, upon his oath, said, that all masters of ships, which sayleth into the river of Tyne, for coals, salt, &c. the mayor, and burgeses of Newcastle, compels them to * swear against themselves, whether they did not cast ballast at sea, between Sowter and Hartly, or within fourteen fathom water, to the hurt of the said river of Tyne, and when the said master hath sworn the truth, that he did not, then a poor drunken fisher-man, or other, is called into the town chamber, and maketh oath, that the master did cast ballast, when in truth he did not, he having part of the fine for the same.

(B) Then the masters oath is invalid, and laid aside,* and forthwith is commanded to pay a fine of five pounds, or else to cut a purse, which hangs up in the town-chamber, with sand and money in it, and so much as is therein, he must pay, or is sent to prison, and there to lye till he doth pay it. See chap. 14, (F)* 12. 5. 17. k. Charles, (19. Hen. 7. 7.).

THO. HASILWOOD, JOHN LOCKWOOD, and
SAM. JAMES, masters of ships, prove the
like. Read these statutes.

(c) Thomas Bradford, of Lyn, affirms, that in, or about the year, 1652, the mayor, and burgeses of Newcastle, compelled one Richard Nesling, master of
a ship,

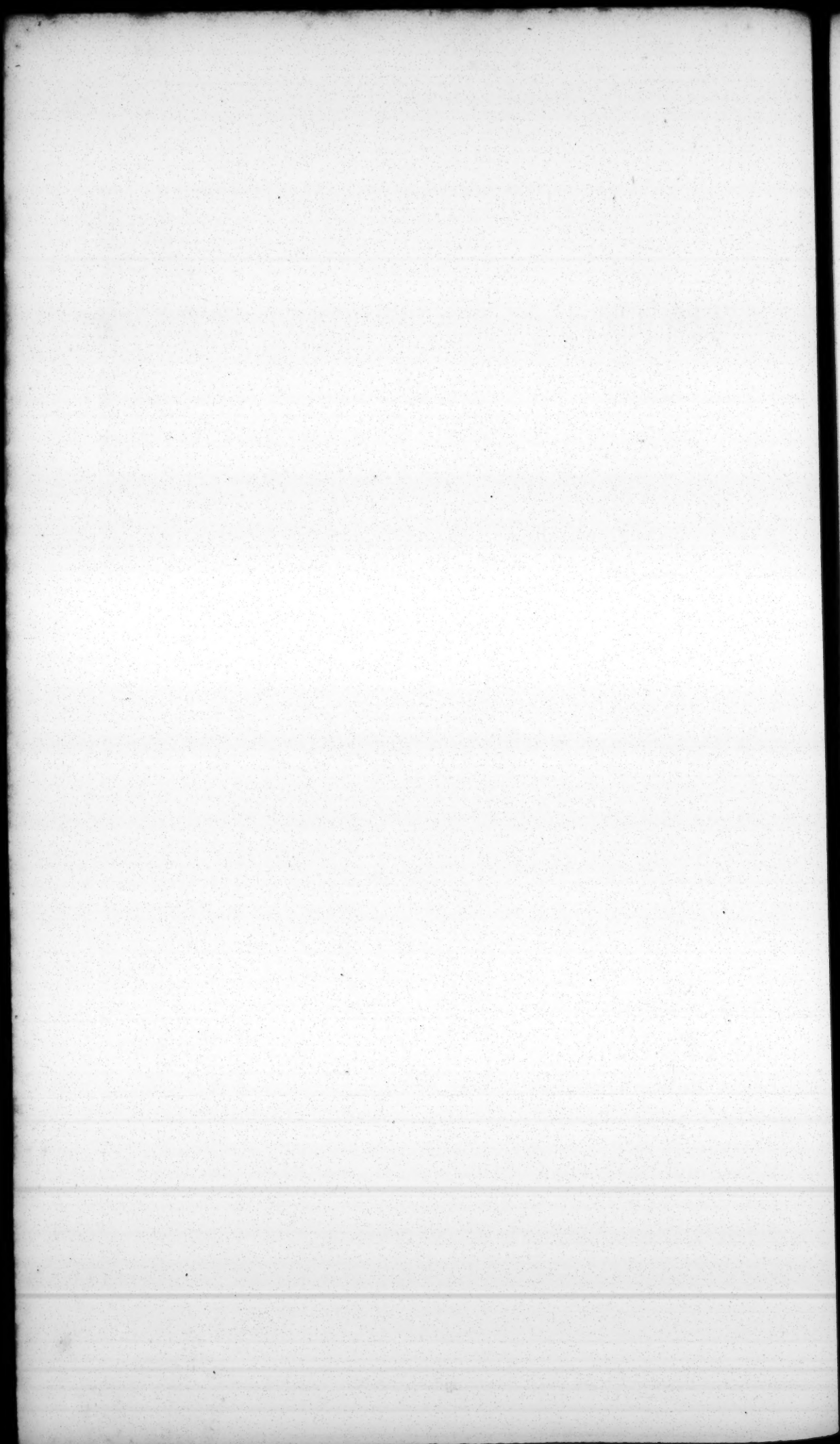
Plate II. Fig. 1. page 92.



Fig. II. See page 106.



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a ship, to cut a purse,* hanging up in the town-chamber, with monies in it, and paid money for so doing. See chap. 12. (5) stat. 8. Eliz. 4.*

THO. BRADFORD.

(D) In Spain, if any person do inform against another, let the suggestion be what it will, and the information never so false, the party informed against, is sent to prison, and there kept, till he do confess that it is truth, and thereupon is lead to the stake, and executed.

(E) The heathen kings, when they condemn a person, to dye for any offence, first sends him a pair of scales, and a weight; if the malefactor sends him so much gold, as the weight weigheth, is saved, otherwise not.

(F) The Star-chamber practice was to put a man to his oath, to betray himself, and confesse as much as he pleased, and then other witnesses were brought in against him, as that of the lord Bucan, and the warden of the Fleet, upon a complaint made against the warden, in the Star-chamber, &c. See stat. 17. Carol.

C H A P. XL.

(A) **J**OHN HARRISON, of London, upon his oath, said, that all masters of ships, belonging to the coal trade, at Newcastle, are compelled to swear how many coals, and chaldrons, they have aboard their ships, at Newcastle, when they are loaden, which is impossible to swear, by reason they buy their coals by weight, and often the masters occasions draws them aside, so are not then aboard, when the coals are shipped, but trusts to his,

his, or their mates ; and often the coal boat, hath much water, which weighs heavy, also great store of flates, and other rubbish ; and often the ships are loaden in the night, so that this oath, is a great vexation to their spirits, and disquieting thereof ; and conceives that never a time, a master swears, but he is perjured, and often deceived by the keelsmen in the nayles.

Capt. JAMES GREENWAY, proves the like.

(B) The oath, *ex officio*. No man is bound by the law of God, or laws of the land of England, to betray himself, *in criminalibus, licet in contractibus*, not in criminal offences, but in contracts and bargains, it may be whether he did make the contract or bargain, in question, but never used to a malefactor, for if witnesses do not come in against him, he is cleared by law, and not put to his oath, to accuse himself.

(C) Many are constrained to take an oath, *de rebus ignotis*, to answer to they know not to what, but Gods command is, swear not at all.

(D) Query, whether it be lawful for one to swear, being forced ?

(E) The answer. Magistrates may impose an oath, with these three limitations ; first, if the thing be weighty ; secondly, if otherwise it cannot be known ; thirdly, if it be not a snare to catch a mans self, or trick to make him accuse himself ; secondly, magistrates should be very wary, how they inforce, or constrain men to swear, because they often thereby add fuel unto the fire of Gods wrath, by making men forswear themselves, and therefore it were better to loose the thing in question, than hazard the loss of a brothers soul, by making him perjure himself. Paul would rather chuse never to eat flesh, than to offend his weak brother.

(G) If ye believe him when he swears, why not upon a solemn protestation ? It should be considered, whether

whether such as is to be put to his oath, fears God, then he dares no more lye than forswear himself, and if he fear not God, how will he fear to forswear himself?

(H) The practice in Newcastle is worse, for notwithstanding a man is put to his oath, against himself, it will not stand, but another is called in, to swear point blanck against what he had sworn.

C H A P. XLI.

(A) **W**ILLIAM LING, master of a ship, of Ipswich, upon his oath, said, that Henry Truelove, master of a ship, with himself, did cast their ballast, at Shields, upon a sufficient shoar, without any harm to the river, for which, (B) the mayor, and burgeses of Newcastle, arrested them both, and detained them, till they did pay ten pounds fine, for this offence, as they called it.

(C) He, this deponent, with Mr. Truelove, tendered sufficient bail, freemen*, to answer the great council, or the common law, for any thing that they had done; this they could not deny by their power, P. 17. N. 7. (D) but the mayor and aldermen, sharply reproved the bondsmen, for daring to offer themselves as bail, and told to him, this deponent, and Mr. Truelove, that for a great council there was none, and for the common law, that they had within themselves, and needed not to yeeld to any other court, and that to prison they should go, and lye and rot, till they had paid the fine. P. 17. N. 7.

And then cast them both, into their stinking common goal, where onely a wall parted them, and such as had the plague, where they lay, in that sad and miserable condition, in hazard of their lives, (G) and was forced to pay the said ten pounds, and all charges,

charges, besides the loss of their voyage, which amounted to above 80l. to their owners. (H) * There was no tryal at law, nor any other offence committed, but they could get no right, by reason they were to have the fines, and being judges, jurors, and witnesses, in their own court, and for their own benefits. See stat. 11. R. 2. 9. (A), fee chap. 18. (C), 23. Hen. 6. 10. See chap. 37. (D), 28. Edw. 3. 3. (F), 1. Rich. 2. 13. 99. (G), 1. Ed. 3. 15. (C).

WILLIAM LING, and HENRY TRUELOVE,
swears the like.

(B) Joseph Priestly, with John Walker, the minister of Jarrow, and twelve more, upon a tryal, at Durham assizes, between the dean and chapters, plaintiffs, against Thomas Talbot, and Richard Allen, gent. concerning the right of Jarrow * Slike, which by verdict was given to the defendants, upon their oaths, said, that they knew Jarrow Slike, by estimation three hundred acres, where a wall was building, to have it a ballast-shoar, for the good of ships and river, 22. Feb. 1638, by Ling and Truelove, and that the ballast which was cast thereon, was cast without any prejudice to the river, and there lay safe and fast, and that neither the wind could ever blow it off, nor the rain, nor waves could wash it into the river. See chap. 34. (A.D).*

JOSEPH PRIESTLY, JOHN WALKER.

How long will yee give wrong judgement, to accept the persons of the ungodly? Psa. 82. 2.

CHAP.

C H A P. XLII.

(A) CAPTAIN ROBERT WYARD, of London, upon his oath, said, that he, with his ship, being in the river of Tyne, at Newcastle, in Nov. 1649, where one of his ships company (it seems) did cast two or three straw mats, out of one of his ships port-holes, yet, to this deponents unknowledge, which could do no harm to the river, by reason of its swimming to sea* ; but one Edward Green, and one ——— Wilkinson, two free-men of Newcastle, standing a quarter of a mile from the ship, upon the land, made oath, at Newcastle, that this deponent cast out ballast into the river, to the prejudice thereof.

* It could do no harm to the river, other than endanger the choaking of the fish.

(B) Whereupon the mayor, and burgeses of Newcastle seized him, and fined him twenty pounds|| for the same, and constrained him to pay ten pound of it, and ten pound to Green, and eight pounds to Wilkinson, and twenty four pounds more the suit cost him, being fined by them, for saying they were forsworn, to say he cast ballast into the river, when he neither did, nor was out of his cabin when the mats were cast in.

|| Yet the col. did not cleanse the river thereof.

ROBERT WYARD. * 1. Tim. 6. 10.

(c) And further faith, that the mayor and burgeses, were plaintiffs, judges, jurors, and witnesses in this cause, of their own fines. See chap. 11. (E), stat. 5. Eliz. 9.

If these men be fined so high, for so small an offence, and that ignorantly, what must those men that have offended arrogantly and knowingly, a thousand times more? Thomas Peach, master of the Ann Speedwel, of Ipswich, who, by storm, was cast upon the rocks, near Tinmouth castle, and for casting his ballast over-board, to save his ship, was fined by the mayor and burgeses.

O

Mr.

Mr. James Talbot, for his men sweeping the bins of his ship, where there could not lie above one shovel full of ballast, was fined five pounds, and laid it down; some they took, and some they returned to him again.

C H A P. XLIII.

(A) **N**ICHOLAS PYE, of London, creup, upon his oath, said, that Mr. Thomas Partridge, of Gateshead, master, being loaded at Newcastle, by Thomas Read, Fitter, with bad and unmerchantable coals, which he had sold for good coals, to Mr. Clark, of London, and M. Otridge, M. Godfrey, M. Harison, and others, at the rate of 3*l.* the score, but proving so bad, that he was threatened to be sued, by the said gentlemen that bought them, and was constrained to compound for the same, and lost 6*l.* in every score, and that he hath known much bad coals, which the freemen of Newcastle forceth masters of ships to take, to the great loss on all hands.

NICHOLAS PYE.

Pray look into the tenth year of king James, what punishment hath been for the same, formerly.

The said Thomas Read, did give 20*l.* as part of satisfaction, to the said Mr. Tho. Partridge, the master, and in consideration of his great wrong, &c.

(B) Captain Gregory Butler, captain of a man of war, for the parliament, upon his oath, said, that in April, 1650, he, this deponent, wanting some ballast for his ships use, being at Shields, required a master of a ship, of Yarmouth, to cast his ballast into his ship, for the states use, which the said master did

did with much care, and no prejudice to the river, (c) for which the mayor, and burgessees of Newcastle, refused to suffer any coals to be laid on board of his ship, till he paid 5*l.* fine, for this contempt, and forced him to pay a fine, and to pay eight pence, for every tun of ballast (besides) computing it to 48 tun, and then, and not before, he could get any coals. See chap. 44.

GREGORY BUTLER,

Thomas Partridge, master, affirms, that Mr. alderman Samuel Rawling, forced him to pay for 80 tuns of ballast, when he carryed but 42 tun. Every freeman pays six pence the tun, and un-freeman pays eight pence. There is no warrant to demand any such sum.

THOMAS PARTRIDGE,

(D) Richard Leaver, of Ipswich, master of a ship, upon his oath, said, that for his casting out ballast, at Shields, upon a more convenient shoar, than any was at Newcastle, and without any hurt to the river, went to Newcastle, to the coal fitter, to be laden, but could get none, by reason of a combination of the free hoast-men, who had made a new ordinance* amongst themselves, in the free hoast-mens court, that who should dare to sell a coal to any such master of a ship, as did not cast ballast upon the town shoars, should forfeit twenty pound a time.

(E) Upon which, this deponent waited above ten dayes, and could not get coals for money, but at last prevailed, with one of the fitters of coals at Newcastle, by promising him to save him harmlesse, and he would load him, which was done, for which the said mayor and burgessees, cast the said fitter into prison, where he lay, till a fine of five pound was paid for his ransome, with other charges, which he, this deponent, was forced to pay, besides losse of his voyage. This was without any triall at law, &c. (See 19. Hen. 7. 7.*) 28. Ed. 3. 3.

RICH. LEAVER,

C H A P. XLIV.

(A) **R**ICH. LEAVER, of Ipswich, master of a ship, upon his oath, said, that for the only gain and advantage of some aldermen, and a few other private persons, of the town of Newcastle, no masters of ships can be tolerated to cast ballast, in any part, but at their ballast-shoars, which is unlawful, and very prejudicial to the river and trade, and must often pay for eighty tun of ballast,* when indeed there is but forty to be paid for, (B) and do hinder all coals from being sold, to any ship which do cast ballast at Shields, upon as sufficient shoars, and better than the other, both for the good of the river, and lesse hurt to ships, and more voyages made in the year; (C) also, that the mayor and burgesses, do prohibit all the coal-owners, in both counties of Northumberland, and Durham, for selling their own coals, it tending to the said owners utter undoing, and the cause of many voyages lost in the year, to the great prejudice of the poor, and much losse to the state, (D) and that there is more convenient places, to build ballast-shoars, which will last, for hundreds of years, without hurt to the river, at, and neer Shields, then where they are at present. See chap. 43. See the following deposition.

RICHARD LEAVER.

CAPT. BUTLER, SAMUEL JAMES, CAPT. PHILIPS,
and JEREMIAH LOW, proves the like.

(E) Thomas Cartwright, of Lyn, merchant, upon his oath, said, that by reason all coals are ingrossed, and sold by the free-men, the mayor, and burgesses of Newcastle, onely tends to the great impoverishment of the coal owners of the two counties, where all the coals are.

(F) Also,

(F) Also, that it is the cause of the high and excessive rates of coals, at London, and sea-coasts, and losse to the masters, several voyages in the year.

(G) And to the state likewise, in customes of the three shillings per chalder.

(H) And that he hath known many ships, denied to be laden with coals, only for casting ballast at Shields, to their extraordinary losse, which is the cause of coals being sold the dearer, they staying so long for them.

(I) And that the said mayor and burgeses, being the sole cause hereof, and likewise engrosse all provisions coming in by sea, and sets their own rates thereon, and takes excessive *towl, one peck of every grain of corn. See stat. 22. Hen. 8. 8.*. See chap. 44. (C), (A).

THO. CARTWRIGHT, Mr. SYMONDS, and
WIL. REAVELY, proves the like.

1. The pre-emption of tyn, soap, salt, cards, &c. was adjudged grievous, and why not coals, which is of as great use, nay more, as appears by ordinance of parliament, 1640; (A) also, they were damned by the judgement of the sage judges, in Sergeants-inn, upon a conference then had, before that parliament began, as being repugnant to the law.

2. And why a monopoly of coals, more upon the owners, then on any thing else in England? and more of them to be inflaved then any other people of England? I appeal to God, the whole world, as also to the coal-engrossers themselves, whether it be just? &c.

CHAP.

C H A P. XLV.

(A) **D**ECEMBER, 1653, a charge was exhibited, to the committee for inspections, and advance of customes, against Mr. George Dawson, collector of the customes of Newcastle, the contents being as follows, viz.

(B) That the state hath been, and is much wronged in their customes in that port, by reason some of the said customers, are traders, merchants, &c. and many ships vexatiously troubled without just cause, onely by reason they buy not their coals from them, and ordinarily give coals, for reparation, custome-free, as also, a second charge exhibited to the commissioners of customes, not doubting but to receive justice at either place ; here follows the deposition, viz.

*Coal ingroffers,

(c) Jonas Cudworth, of Newcastle upon Tyne, draper, upon his oath,* in December last, said, that Mr. George Dawson of Newcastle, collector of the customes, in the same port, did exercise the trade of a free hoast-man,* in the year 1651, and employed for his fitter, one Tho. Read, who loaded several vessels with coals, and cleared them in the name of the said Mr. Dawson.

(d) And in the year aforesaid, one John Grip, master of a hoy, belonging to Hamborough, was laden with coals, by the said Thomas Read, and information being by this deponent, to the surveyor of the said port, by name, Mr. Meriton, that the said Grip had shipped a great quantity of coals more, then he had cleared for, and paid the duty of customes, the said Mr. Meriton had acquainted the said George Dawson herewith, after which, notwithstanding information was made, and seizure also should have been made, he the said George Dawson did admit of a post entry of a small quantity of the said coals, and after cocket granted, and did not unload

unload the said vessel, to discover the fraud, and seize the same.

(E) This deponent further said, that about the same time, the said George Dawson did unload another vessel, belonging to Peter Hofman, of Dantzick, to his great damage, before any cocket granted, and refused to let any entry be made, though offered, before full loading, and for reparation thereof, he gave to the said master, four chalder of coals, custome free, and the said master, George Dawson, had, and hath parts of ships, * and trades over sea with coals. (See stat. 3. Hen. 7. 7.*) 14. Rich. 2. 10.

JONAS CUDWORTH.

(F) These are humbly to certifie, that David Lindiman, master of a ship, called the Fortune, of Statin, did load his ship with coals, in the said port of Newcastle upon Tyne, and cleared in the custome-house, for three score and twelve chalder of coals, and that Jonas Cudworth, of this town, came and told me, that the state was wronged of custome, for forty chaldron of coals, in that ship, and gave the names of the masters of keels, or boats, that laid the coals aboard, and requested they might be sworn, which was done, and the information found true. The said Mr. Lindiman did pay for forty chalder of coals, more then he had entered for in the custome-house, which custome amounted to fifty and odde pounds, all which, I humbly conceive, the state had been defrauded* of, if the said Jonas Cudworth had not informed thereof. See stat. 11. Hen. 6. 15.

THO. MERITON, surveyor.

Newcastle upon Tyne, 23. of March, 1643.

It is the old proverb, *foul birds bewrayes their own nest.*

If one ship could cheat the state, so much as fifty odd pounds custome, what do hundreds of ships do? See chap 46. (B.).

CHAP.

C H A P. XLVI.

(A) **G**EORGE PHILIPS, of London, master, and captain of a ship, upon his oath, said, that for his casting ballast, at Shields, upon as sufficient ballast-shoars as any can be, could not obtain his loading of coals, for doing thereof, being denied by the mayor, and burgessees of Newcastle, and lay five weeks for the same, and at last obtained favor from one Major Tolburst, and Mr. Readnal, to furnish him with keels or lighters, to fetch such coals as he could procure, and when he had loaded his ship, Mr. George Dawson, collector of the custome-house, and * officer of the corporation of Newcastle, sometimes mayor, alderman, justice of peace, and merchant, and Mr. George Blackstone, cheque of the custome-house, issued out a warrant, under the town-seal, and custome-house-seal, to seize his ship and coals, upon the 19. of April, 1651, which warrant is extant amongst the records at White-hall. See stat. 3. Hen. 7. 7.* 11. Hen. 6. 15.

GEORGE PHILIPS.

(B) Coales, the chalder, at Newcastle, doth cost the masters of ships, ten shillings the chalder, Newcastle measure, and one shilling custome, ordained by queen Elizabeth.

For all coals, carried beyond sea, by any Englishman, pays by the chalder, for coals and custome, eleven shillings four pence, as by an act of parliament, of the 28. of March, 1651, appears.

For all coals, carried by any stranger, payes the chalder double, being for custome per chalder, two and twenty shillings eight pence, and argiere duties, &c. in all six and twenty shillings and ten pence, custome, besides the price of coals and fraught.

For all coals at the market, in every port, two shillings per chalder, excise, towards building of frigots.
And

And for all coals, sold by the tun, one shilling per tun, and for all scotch coals, two shillings sixpence per tun.

(C) And yet, notwithstanding these impositions, coals might be sold for twenty shillings the chalder, all the year long, at London, with greater gain to the masters and seamen, if ballast shoars were at, or neer the Shields.

(D) Provisions for the relief of the multitude of shipping, above nine hundred sail, and the inhabitants there.

(E) Coals to be bought from the first hand, then there might be as many more voyages in the year, as now they make.

(F) The masters of ships, desires onely their due measure, and then they would not regard the odd chalder given to the score, all which they are debarred of, most unjustly, for commonly where ships takes in at Newcastle, one hundred thirty six chalder of coals, and expects to make at London, two hundred and seventeen, or else loseth, besides having bad coals a long voyage; there are computed three hundred and twenty coal keels, alias lighters, and every keel accounts to have carried every year, eight hundred chalder of coals to ships; then judge how many thousand London chalder is carried away. See chap. 23.

JOHN WRENHAM.
ROBERT REEX.

C H A P. XLVII.

People robbed in the open market, and others, onely passing through Newcastle. A. C. E. Three Newcastle-men. B. Isabel Orde. D. John Williamson.

(SEE PLATE 2. FIG. 2.)

(A) **E**LIZABETH LUMSDEL, upon her oath, faith, that one John Williamsons wife, and servants, having bought forty pounds worth of tobacco, (who dwelt at Braughton, in the county of Cumberland,) which said tobacco, all duties of excise, custome, or toul were paid, and carrying the same through Newcastle, towards Carlisle-market, one Mr. Huntley, and Mr. Stranguage, merchants, made * a seizure of the said tobacco and horses, by order from the magistrates, pretending it were foreign bought, and foreign sold, * and therefore confiscate to their use. The poor people petitioned sir Arthur Heislerigge for the same, who interceded hard with them for the restauration thereof, but it was refused, yet they, fearing sir Arthurs displeasure, sold the tobacco for thirty pound, and restored to the poor owner but fifteen pounds thereof.

(B) This deponent further affirms, upon her oath, that about the same time, one Isabel, wife to Henry Orde, sitting in open market, selling a role of tobacco, who had paid all duties, the said Mr. Huntley, and Mr. Stranguage, made * seizure, by strong hand, of the said tobacco from the poor woman, and would not acquaint them with the reason, whereupon, in passion, she called them robbing rascals, for which they sued her poor husband, in their own court, and put him to great expences; she, this deponent, with the said Isabel, hard petitioned judge Thorp for her tobacco, who sent for the two merchants, and demanded the reason of their taking away the poor woman.

womans tobacco in the open market, who produced a warrant from the mayor, who likewise was sent for, by name Mr. William Dawson; the judge demanded of him, by what power he durst rob people in the market, who replied, foreign bought, and foreign sold, my lord, but command was given by the said judge to restore the same, but after departure it was not; then the judge granted a warrant for restoring the same upon his going away, and when it was shewed the mayor, he snatched it and put it up into his pocket, and would not restore the said tobacco, but sleighted the said warrant. See stat. * 3. Ed. 1. 24. 11. Ric. 2. 7. 27. Ed. 1. 5. 6. Ed. 6. 9. See chap. 49. 51.

ELIZ. LUMSDEN.

C H A P. XLVIII.

(A) **L**ETTICE HUME, upon her oath, said, that no victual or other provisions, coming in by sea, for the relief of Northumberland, or county of Durham, is permitted to be sold at Shields, but all is compelled to Newcastle by the magistrates, and there ingrossed after three market dayes, Tuesday, Saturday, and Tuesday, and payes double tole, * in and out, and pays double rates for the same, and that she hath often known boats, and provisions, cast away, and peoples lives, in going and returning from Shields to Newcastle, in stormy weather, too and from the market; namely, one William Rea, with others, in the year 1650, at the same time, and before, nor never any coroner fate upon any of the dead bodies, nor young Mr. Snape, &c. and that greater rates are given for provisions, being bought up by the townsmen, than might be had at the first hand. See chap. 11.

P 2

(H),

(H), 44. (I), 49. (C), * stat. 3. Ed. 1. 20. 23. Ed. 3. 6. *

MARY HUME, LETTICE HUME, proves the like.

(B) Mr. Richard Blewet, brother to commissary Blewet, affirms, that in, or about the year 1649, rye was at sixteen shillings the bowl, in Newcastle, none to be got for the poor, but from the merchant who had bought it all up, that the poor being in great want, sir Arthur Haslerigge caused the said commissary, to lay out a thousand pounds of the publick stock upon rye, from the first ships that came, and to sell it for the relief of the poor, four shillings under the market, which was done.

(B) The merchants of Newcastle, proffered to his said brother, the market price for all the corn he had bought, which was sixteen shillings the bowl, when they saw the said commissary sell, for eleven shillings per bowl to the poor, and the commissary was a great gainer at eleven shillings, and paid as much as the merchant.

(C) And by reason the said commissary did refuse, some of them threatened, if ten thousand pounds would break his back in suit, for daring to sell corn in their town, he not being a free-man, it should. This information I had from Mr. Blewet, who will make it good upon his oath, when called, and from Mr. Nich. Ogle. They will neither doe good, nor suffer good to be done, much like the dog in a manger. See stat. 5. 6. Edw. 6. 14. 23. Edw. 3. 6. 2. Edw. 6. 15. 5. Eliz. 12.

C H A P. XLIX.

(A) **W**ILLIAM REAVELY, of Lyn, master of a ship, upon his oath, said, that by reason of the ships not casting ballast at Shields, above four, if not five voyages, are lost in the year compleat.

(B) That all provisions brought in by sea, are compelled up to Newcastle, and there ingrossed into the free-mens hands; people often going to market have lost their lives, and many starved to death in the two counties, which cannot get to Newcastle market, in the winter season, by reason of the great storms of snows, and the river frozen, and no market allowed for the counties relief at Shields, where many thousand of passengers, sea-men, and inhabitants are, being twelve miles from any market in the same county.

(C) That he, this deponent, and ships company, hath often been constrained to go to sea, without bread or beer, none being to be got at Shields on a sudden, and have drunk water for above five daies, which hath so weakened his men, that they were in great danger of their lives, and that from Newcastle, they often send down dead beer, and the casks, but half, or three parts full, from the brewers of the said town, and bread wanting above two pence weight in the shilling, and not looked after by the magistrates.

(D) That they the said mayor, and burgeses of Newcastle, aforesaid, did ruin one Mr. Johnson, and Mr. Hilton, for brewing at Shields, for the relief of the ships, and that they rooked from him, this deponent, twelve barrels of beer, which he brought from Lyn, for the relief of the poor at Shields, and made it confiscate, arrested him, and cast him into prison, sued him, and made him enter into sixty pound bond, never to bring in any more, also kept a bag of hops, which was sent to a friend in Northumberland, and that he hath known them often do the like to others, they being judges, jurors, and witnesses in their own cause.

(E) That they take excessive tole,* above a peck of corn of every grain brought to be sold by vessels, besides all other duties.

(F) That the said magistrates force men to swear against themselves,* and will not tolerate any gentleman, to build ballast-shoars upon their own land.

(G) And that he, this deponent, hath seen ballast warrants, signed by one of the magistrates,* only for keels to carry up ballast from Shields, and hath seen the keel-men cast it into the river, in the south road, to the rivers great damage,* and often dirt cast into the river, by servants, brought out of the gates, when no watchmen were kept. See chap. 39. (A), 12. 4. 14. (C), 47. (B), 51. See stat. 27. Ed. 1. * 51. Hen. 3. 15. * 11. Hen. 7. 4. * 5. 6. Ed. 6. 9. * 3. Ed. 1. 20. * 17. k. Char.*

WILLIAM REAVELY.

(G) Hugh Farrow, of Lyn, master of a ship, upon his oath, said, that he and his ships company having lyen so long at Shields, for a fair wind, with the fleet, that when they had spent all their provisions, at no time could obtain any from Shields, by reason obstructed by the magistrates, and having sent up his boat and some of his men for some at Newcastle, the wind came fair, and on a sudden the ships all set fail to sea, so that he, this deponent must loose the protection of the fleet, and hazard himself to the mercy of the enemy, or must leave his men and boat behind, which the latter he did, and was constrained to drink stinking water for four daies, for want of beer, which might be conveniently got at Shields, and he was in greater danger of losing his ship, for want of his men.

HEN. FARROW.

C H A P. L.

(A) **I**O. Gardner, of London, upon her oath, said, that within this seven and twenty years, or thereabouts, she knew the usual practice of the mayor, and burgeses of Newcastle, was to ingross all

all provisions into their hands, as corn, &c. and have kept it* in their corn lofts || till so dear, and at such high and excessive rates, that most people could not buy it, and that the people of Northumberland, and county of Durham, being in great want for bread, that many were constrained to let their beasts blood, and made cakes thereof, to eat instead of bread, and in the spring time many of those beasts dyed, being over-blooded.

(B) Other poor people killed their coal-horses for food, some eating dogs, and cats, and starved, many starved to death*, sixteen, or seventeen dead, in a hole together; and yet at the same time many hundred bowles of corn cast into the river, being* rotten, and mouldy, and eaten with rats, and some of those people boasting, they hoped to see the day a bowle of corns price should buy a silk gown. This was not in the time of war, and the countries might have had plenty, if it had not been ingrossed by them. See stat. 5. Eliz. 12.* 23. Ed. 3. 6.*.

JO. GARDNER.

Major WILL. BURTON, late member of parliament,
THO. HESILWOOD, and WIL. REAVELY, proves
the like.

(B) Richard Tayler, upon his oath, said, that the mayor, and burgeses of Newcastle, do compel all iron and other necessaries, which comes in by sea, for the salt-pans and collieries use, at and near Shields, to be carried up to Newcastle, and unladen upon their town-key, at the charge of the owner, and to pay toule, and the same vessels forced to sail back to Shields empty, and often such vessels sink by the way, and their own vessels must be hired, at their own rates, to carry it back again to Shields, being sometimes fourteen daies in getting down thither, though present use be for the same, and
divers

divers times cast away, so that ships utterly refuse to bring such commodities, to be put to such unnecessary and needless trouble and charge, and this is done constantly, notwithstanding all duties are paid, and the ship or vessel comes onely for salt at Shields, where it is made, and not to Newcastle, where they have no business. See stat. 21. Hen. 8. 18.

RICH. TAYLER.

WILL. REAVELY.

(C) It were less damage to the commonwealth, for allowing seamen, for their encouragements, 5l. custom-free of goods, then thus to be abused by meer pretences of loss of custom, especially, by such who wrongs the customs. See chap. 45. (F).

C H A P. LI.

(A) **A**LEXANDER SYMONDS, of Lin, merchant, upon his oath, said, that all commodities, as well dead victual, as other merchandize, are compelled up to Newcastle, which comes in by sea, and there, by the mayor and burgessees, are ingrossed and bought up by them; nothing to be landed elsewhere but at Newcastle, notwithstanding all ships do lye at Shields, and passengers; and often in stormy weather, and river frozen, none can pass too and fro, for any relief from thence, and none to be had elsewhere, and if there be any, it is seized on by them of Newcastle, and confiscate to their own use, namely, beer from one Will. Reavely, and divers others. See chap. 11. (N), 47. (A), 49. (D), 50. (A).

ALEXANDER SYMONDS, and THOMAS CARTWRIGHT, depose the like.

(B) Captain

(B) Captain James Greenaway, of London, affirms, that his ship was at Shields, in company with a fleet of loaden ships, where they all had lyen a long time, for a fair wind, and had often spent their provisions; on a sudden the wind came fair, and the whole fleet set sail for London; he, this deponent, having spent all his bread, could get but two dozen at both Shields, yet was necessitated to set to sea with the fleet, otherwise had lost their protection, if staid till he sent to Newcastle, for bread.

(B) The whole fleet being at sea, the wind came cross, being a violent storm, that it was five daies before they could get so high as Scarborough, some twenty leagues from Newcastle, and then the storm ceased, and he, this deponent, got ashore to Scarborough, for bread, when, the wind coming fair, the fleet sailed out of sight, so he lost their protection and company; (C) he, getting aboard, and sailing after them, was taken by a Dunkirk man of war, lost his ship, goods, and money, his ship being worth 800l. goods, 200l. and money, 400l. all which might have been saved, if bread, beer, and provisions had been admitted to be sold at Shields. Onely are hindered by the tyrannical power of the mayor, and burgeses of Newcastle.

JAMES GREENAWAY.

(H) John Houlden, upon his oath, said, that in or about the year 1648, a master of a ship was arrested, and imprisoned, onely for felling of a little corn, to commissary West, by the mayor of Newcastle, he alleadging the town was not served, but sir Arthur Hazlerigge caused the mayor to release the said master, and demanded by what power, law, or right, they ought to imprison any man, for felling his own commodity in the market or key, and told Mr. Ledger, then mayor, if he did not release him, the souldiers should.

JOHN HOLDEN.

Q

CHAP.

C H A P. LIII.

Many poor women imprisoned, and hanged for witches.

A. *Hangman.* B. *Bellman.* c. *Two sergeants.* D. *Witch-finder taking his money for his work.*

(SEE PLATE 3. FIG. 1.)

(A) **I**OH. WHEELER, of London, upon his oath, said, that in, or about the years 1649, and 1650, being at Newcastle, heard that the magistrates had sent two of their sergeants, namely, Thomas Shevel, and Cuthbert Nicholson, into Scotland, to agree with a scotch-man, who pretended knowledge to finde out witches, by pricking them with pins, to come to Newcastle, where he should try such who should be brought to him, and to have twenty-shillings a peece, for all he could condemn as witches, and free passage thither and back again.

(B) When the sergeants had brought the said witch-finder on horse-back, to town, the magistrates sent their bell-man through the town, ringing his bell, and crying, all people that would bring in any complaint against any woman for a witch, they should be sent for, and tryed by the person appointed.

(C) Thirty women were brought into the town-hall, and stript, and then openly had pins thrust into their bodies, and most of them was found guilty, * near twenty seven of them by him, and set aside.

(D) The said reputed witch-finder, acquainted lieut. colonel Hobson, that he knew women, whether they were witches or no, by their looks, and when the said person was searching of a personable, and good-like woman, the said colonel replied, and said,

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surely this woman is none, and need not be tryed, but the scotch-man said she was, for the town said she was, and therefore he would try her; and presently in sight of all the people, laid her body naked to the waste, with her cloaths over her head, by which fright and shame, all her blood contracted into one part of her body, and then he ran a pin into her thigh, and then suddenly let her coats fall, and then demanded whether she had nothing of his in her body, but did not bleed, but she being amazed, replied little, then he put his hand up her coats, and pulled out the pin, and set her aside as a guilty person, and child of the devil, and fell to try others whom he made guilty.

(E) Lieutenant colonel Hobson, perceiving the alteration of the foresaid woman, by her blood settling in her right parts, caused that woman to be brought again, and her cloaths pulled up to her thigh, and required the scot to run the pin into the same place, and then it gushed out of blood, and the said scot cleared her, and said, she was not a child of the devil.

(F) So soon as he had done, and received his wages, he went into Northumberland, to try women there, where he got of some, three pound a peece, but Henry Ogle, esq. a late member of parliament, laid hold on him, and required bond of him, to answer the sessions, but he got away for Scotland, and it was conceived, if he had staid, he would have made most of the women in the north, witches, for mony.

(G) The names of the prisoners that were to be executed, being kept in prison till the assizes, and then condemned by the jury, being burgessees, were, Matthew Bulmer, Eliz. Anderson, Jane Hunter, Mary Pots, Alice Hume, Elianor Rogerfon, Margaret Muffet, Margaret Maddison, Eliz. Brown, Margaret Brown, Jane Copeland, Ann Watfon, Elianor Henderfon, Elizabeth Dobson, and Katherine

rine Coultor. These poor souls never confessed any thing, but pleaded innocence, and one of them, by name, Margaret Brown, beseeched God that some remarkable sign might be seen, at the time of their execution, to evidence their innocency, and as soon as ever she was turned off the ladder, her blood gushed out upon the people, to admiration of the beholders.

JOHN WHEELER, ELIANOR LUMSDEL, and
BARTHOLOMEW HODSHON, proves the
like.

(H) The said witch-finder was laid hold on in Scotland, cast into prison, indicted, arraigned, and condemned for such like villanie, exercised in Scotland; and upon the gallows, he confessed he had been the death of above two hundred and twenty women, in England, and Scotland, for the gain of twenty shillings a peece, and beseeched forgiveness, and was executed.

(I) The judgement, nor execution, is not in question, nor questioned, being ordinary, but onely, it being desired to know, by what law the magistrates of Newcastle could send into another nation, for a mercenary person, to try women for witches, and a bell-man, to cry for them to be brought in, and twenty shillings a peece given him, to condemn them?

(K) Query, and by what law men are hired to give evidence, to take away peoples lives, and the convicted estates to come to the jurors, being extraordinary.

The lord protector, commands all judges, justices, and witnesses, to appear to execute justice, and give evidence gratis.

Queen Elizabeth, by her charter, grants to the mayor and burgeses, all fines, and felons goods in that town and liberties. Zech. 11. 5. See chap. 58. (C.D).

CHAP.

C H A P. LV.

A. *Robert Sharp.* B. *Ann Bidlestone.*

(SEE PLATE 3. FIG. 2.)

(A) **I** JOHN WILLIS, of Ipswich, upon his oath, said, that he, this deponent, was in Newcastle, six months ago, and there he saw one Ann Bidlestone, drove through the streets, by an officer of the same corporation, holding a rope in his hand, the other end fastened to an engine, called the branks, which is like a crown, it being of iron, which was musled,* over the head and face, with a great gap, or tongue of iron, forced into her mouth, which forced the blood out, and that is the punishment which the magistrates do inflict upon chiding, and scoulding women, and that he hath often seen the like done to others.

(B) He, this deponent, further affirms, that he hath seen men drove up and down the streets, with a great tub, or barrel, opened in the sides, with a hole in one end, to put through their heads, and so cover their shoulders and bodies, down to the small of their legs, and then close the same, called the new fashioned cloak, and so make them march to the view of all beholders; and this is their punishment for drunkards, or the like.

(C) This deponent further testifies, that the merchants, and shoe-makers of the said corporation, will not take any apprentice under ten years servitude, and knoweth many bound for the same terme, and cannot obtain freedome without. 5 Eliz. 4.

These are such practices as are not granted by their charter law, and are repugnant to the known laws of England.

(D) Drunkards are to pay a fine of five shillings to the poor, to be paid within one week, or be set
in

in the stocks six hours; for the second offence, to be bound to the good behaviour. 1. k. James, 9. 21. 7.

(E) Scoulds are to be duckt over head and ears, into the water, in a ducking-stool.

(F) And apprentices are to serve but seven years, 5. Eliz. 4.

I was certainly informed, by persons of worth, that the punishments above, are but gentle admonitions, to what they knew was acted by two magistrates of Newcastle, one for killing a poor workman of his own, and being questioned for it, and condemned, compounded with king James for it, paying to a scotch lord his weight in gold and silver, every seven years, or thereabouts, &c. the other magistrate found a poor man cutting a few horse-sticks in his wood, for which offence, he bound him to a tree, and whipt him to death. Related by William Wall, vintner, in Gates-side, Tho. Watson, scrivener, on sand-hill, and Ralph Watson, late minister in Northumberland.

C H A P. LVI.

(A) **F**IVE and twenty years ago, upon the trial with the mayor, and burgeses of Newcastle, and sir Robert * Heath, the judgement of the most ancient and experienced masters of the trinity-house, in London, were required, in answer to the town of Newcastles objections, as is upon record in the trinity-house.

(B) Newcastles faith, if ballast-shoars be suffered to be built at, or near the Shields* it would hinder the towns trade, and endanger the river of Tyne; neither can any ballast-shoars be built at Shields, below a full sea-mark, or in any part of the river, by

by any but Newcastle, by reason all that ground, to a full sea mark, on both sides of the river, is the towns, by charter, from Sparhawke to Headwin streams, fourteen miles in length. See chap. 20. (A), 19. (E.G).

(C) Answer, to the first. It will not hinder the town of trade, but advantage the whole nation, especially that town, by reason double trade will be drove thereby, and cause coals to be cheaper at half rates, then now they are at, and the river better preserved.

(D) Secondly, it will better the river; for inning of void and waste grounds, and flats in rivers, causeth the streams to be more strong, and run more swift, which thereby will scowr and cleanse the channel, and consequently gain more water to the river, preserve the banks from falling into it, help navigation; for the deeper the water, the more navigable, the lesse danger, and more safety for ships. See chap. 19, (H)*.

(E) It is also answered, by others, if the ground, to a full sea-mark, be theirs, then why should they proffer to king Charles,* two hundred pound, for Jarrow-slike, 1637, all which the water covers, and is within a full sea-mark. See 20. chap. (C.D).

(F) Also, why should Thomas Bonner, the alderman, buy sir Henry Gibbs his ballast shoar, to a low water-mark, at Jarrow, for his use, from the town, (were it theirs before?)

(G) And why should Mr. Gibson * swear, none of that ground, which they claim to a full sea-mark is theirs? See 34. chap. (B).

(H) In the treasury, at Westminster, those ancient records, will quickly decide the controversie, making it appear, that the one third part of the river, on the south-side, belongs to the gentry of the county of Durham, and all grounds to a low water-mark; and the like on the north-side, to the gentry of Northumberland; and the other third part free, for ships and vessels

vessels to sail too and fro, for the relief of the inhabitants. See chap. 34. (A), (*), (B). See chap. 4. (*).

(1) It is too much, that the corporation should be lords of both the sea and all the land, and it is too little, the commoners, in both counties, should have neither sea nor land, being born to all a ike.

A quo warranto would know, by what power they claim one shilling for every ballast bill, one shilling for every salt bill, three pence for every chalder of coals, two pence for every weigh of salt, and eight pence the tun, for all ballast, and I am confidently perswaded (κ) would void them all, for they are neither customary, nor warrantable by law, (so unlawful;) as for other duties, as tunage and poundage, customes, lightage, otherwise called beaconnage, boyage, for maintaining of peers, and ancoridge with tole, it will hardly be questioned, except abused. Let them complain that are agrieved, &c. See stat. 30. Edw. 1. 1301.

Instead of a mayor, in that, and such like corporations, a king Cattelus spirit to govern, were better, who hanged up all oppressors of the poor, for an example, whereby he reigned twenty yeers in peace; also a Lud, who made good laws, and took away all usages that were bad, and reigned long in peace and plenty.



CROMWELL.

HIS EXCELLENCIE, OLIVER CROMWELL,

Generall of all the forces of England, Scotland, and Ireland, chancellour of the university of Oxford, lord protector of England, Scotland, and Ireland.

C H A P. LIV.

An act for a free-trade, in the river of Tyne, for coals, salt, &c.

(A) **W**HEREAS trade and commerce is become now, more than formerly, the interest of this nation, and it is therefore the duty, as well as the wisdom of this parliament, to secure and advance the same, and in order thereunto, and for other great ends of honour and safety, to increase the shipping, and encourage navigation; and whereas a great part of the stock, and wealth of this nation, lyes in the well husbanding and managing of those home commodities, of coals and salt, millstones, glasse, the chief trade whereof is exercised upon the river of Tyne, and in the county of Northumberland and Durham.

(B) And whereas the parliament hath been informed of great exorbitances, done, and committed, by the town and corporation of Newcastle, upon pretence and colour of powers, priviledges, and franchises, granted to the said corporation, whereby it appears, (c) that the free and quick trade of those staple commodities, hath been much obstructed, the river made dangerous, and in many places almost un-navigable, and encrease of shipping, so considerable a nurcery of mariners, greatly ruined, and navigation too much discouraged; for remedy herein,

(D) Be it enacted, declared, and ordained, by this present parliament, and by the authority thereof, that all former powers, priviledges, and grants,
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made, and granted to the town and corporation of Newcastle, or to any other person, or persons whatsoever, for the conservancy of the river of Tyne, be, and are hereby repealed, made void, and null, and the committee of the admiralty, by authority of parliament, or any five of them, be, and are hereby authorized, and required, to nominate and appoint, fit and able persons, as well of the counties of Northumberland and Durham, sea-coast, and port of London, as of the town and corporation of Newcastle, to have the charge of, and to be conservators of the river of Tyne, and to invest, and empower the said persons, with all privileges and power necessary, to enable them for the better, and more effectual carrying on, and performance of the said service.

(E) And the said commissioners are hereby further empowered, and enable from time to time, to give, and prescribe unto the said conservators, rules, and instructions, for to observe and pursue, and to require obedience thereunto, and to receive and examine complaints, and to hear witnesses, upon oath, (which oath, they, the commissioners, or any three of them, are hereby enabled to administer) and to punish offenders, by reasonable fine, and punishment, by imprisonment, and to displace, and to remove conservators, upon just and reasonable cause, and to lessen, or adde to their number, as they shall see cause, and to direct and order all other matters requisite, and necessary, for the conservancy of so famous and commodious a river, and for preventing of all such damages, mischiefs, and newfances, as may hurt, or ruine the same, and to settle a stipend upon the said conservators, and to direct the same, and other necessities, and incident charges, to be allowed, and issue out of the profits of the said river.

(F) And be it further enacted, and ordained, that sufficient and well fenced ballast shoars, keys, and
steaths,

steaths, be built and erected, either at Shields, or such other convenient place, as the said conservators, or the major part of them shall think fitting; and the said conservators, are authorised and required, to use and direct, all good wayes and means, according to such powers and directions, as they shall from time to time receive, from the said commissioners of the admiralty, to prevent and remedy all damages, that may happen, by losse of ships, and mens lives, at sea, by casting their ballast over-board, or into the river, at unseasonable times, or unfitting places, or from the ballast-schoars, being carelessly kept, through great winds, rains, or other casualties, washing down the ballast, and that from henceforth, no masters of any ships, or other vessels, be constrained to go up the river, and to heave out their ballast, at the schoars belonging to the town of Newcastle, or be hindred to load coals, or discharge their ballast, where they may, with most conveniency and safety, perform it, as well to the road-steads itself, as to their shipping.

(G) And further, that all masters of ships, trading to the said river of Tyne, have hereby liberty and power, to make use within the said river, of what ship-carpenter, or ship-wright, or other artificers, or persons, they please, and find fittest for their own conveniency, in times of distresse and necessity.

(H) And of what able sea-men they shall think fit, for pilots.

(I) And have hereby liberty to buy, or take in, at any place of the said port, or river, bread, and beer, and other necessaries, for their own spending and victualling.

(K) And that all goods and provisions, which come in by sea, for the use of the salt works, collieries, and other buildings, at, or near the Shields, may be delivered at the Shields, course being taken for paying and satisfying all duties, payable for the said goods and provisions.

R 2

(L) And

(L) And all persons, who are willing, are hereby encouraged, and have liberty, to build ships and vessels, on the said river, for the encrease of trade and navigation.

(M) And that all this be done without any fine, imprisonment, confiscation, or other molestation of any person, vessel, or goods, for, or in reference to any of the premises, any law, usage, practice, custome, privilege, grant, charter, or other pretence whatsoever, to the contrary, notwithstanding: Provided alwayes,

(N) And it is hereby enacted, that no ship, or vessel whatsoever, that shall bring in any kind of merchandize, or grain, for the proper use of the town of Newcastle, usually coming to the said town of Newcastle, and places adjacent, beyond, shall deliver, or land the same, or any part thereof, at any other place, within the said harbour or port, but at the said town, or, as near to it as formerly have been accustomed.

(O) And to the end so useful a commodity, as that of sea-coal, wherein the poor of this commonwealth are so principally concerned, may come cheaper to the market, and that coal-owners may not be in a worse condition, then the rest of the free people of this nation,

Be it enacted, and ordained, that the said coal-owners, in the respective counties, adjacent to that river, may, and have hereby liberty, to let leases of their coal-pits, and to sell their coals to whom they please, as well to ships, as else-where, for benefit of the public, though they be not free of that corporation of Newcastle, due course being taken for securing, paying, and satisfying to the state, all duties payable thereupon.

And be it further enacted, that North-Shields, in the county of Northumberland, be made a market-town, two dayes in the week, to be holden, on Monday, and Thursday, for the relief of the country, the garrison of Tynemouth castle, the great confluence

fluence of people, and fleets of ships, and that the commissioners of the great seal, be hereby authorized, to issue out such powers as are requisite, and usually done, to other markets in the commonwealth.

This is the copy of what was to have passed, after debate, if the late parliament had continued, &c. appointed to be drawn up by order.

HAVING given a short relation of the sad events by charters, and acted by subjects, I shall now trouble your eye and ear, to hear what kings have done to these poor northern people formerly, therefore now deliverance is expected, &c. leaving it to the judgement of the reader, to judge whether it be not time, &c. viz.

The danes laid claim to the crown of England, the kings laid claim to the peoples lives, and corporations to their estates, (what was free?) judge what reason England hath to submit to those illegal charter-laws, invented by a prerogative, whose usurpation was not to be owned, as by the sequell appears. King Harrold who assumed the crown of England to himself, lead an army to battell in Suffex, where William the conqueror, bastard earle of Normandy, met him, having the assistance of the earle of Flanders, by reason he was promised a good part of England, if he conquered it, at which place, king Harrold was killed, and fixty seven thousand, nine hundred seventy four english-men, in the year 1060, at which time he consumed many towns, subduing where ever he came, except Kent, who contracted, to hold their land in gavel-kind, all England else being over-come by this said stranger, &c.

When the Normans ruled England, the laws were in that tongue, but they being extinguished, we find the benefit of our laws, in our own tongue, and doubts not but to be restored to our ancient right, for so long as monarchs were rulers, monopolies
were

were in force, but now such power being thrown out of doors, and being become a civill free state, under the government of our own free-born, chosen, according to the command of God, as Deut. 17. 14. 15. by which monopolizers dare not assume to petition for a revival of such their illegal grants, being found to be the greatest of evils in a commonwealth.

All kings were sworn, that justice should neither be bought nor sold, nor any hindred from it, to ordain good laws, and withstand all rapines, and false judgements.

Charters are no other than commissions, impowring persons, uncapable of the laws, to be judges and justices, in every respective corporation, which charter and commission is sold, and the members thereof are judges, in their own causes. So justice is both bought, and sold, besides breach of oath, neither can a foreigner obtain any right, if it be against the said corporation, so that it is right in these judges judgement to do wrong.

I shall give you a short relation of the miseries, the county of Northumberland hath tasted of, to this day, from William the conqueror, and what little need there is Newcastle should so tyrannize over them, &c.

WILLIAM the conqueror, having killed many, and destroyed the land, and brought under his subjection, the people, caused such who did oppose his forces, at Ely, to have their legs and hands cut off, and their eyes put out, and then gave liberally to all his Norman race, earldoms, baronies, bishopricks, honours, mannors, dignities, and farms, all being got by the sword; upon his divisions, &c. the earle of Flanders sent to know what part he should have for assisting him, who sent him word, nothing at all, by reason all was but little enough for himself; then he gave to his son, Robert Cuming, the earldom of Northumberland, who in possessing
of

of it, acted such cruelty, with his army, which came against Malcolm, king of the scots. The said Robert built the castle, called the Newcastle, upon the river of Tyne, in the county of Northumberland, about which was built the town, called Newcastle, the town taking its name from the Newcastle, and not the castle from the town; the said Northumberland being so oppressed, that they fell upon Robert, son to the conqueror, killed him, and his whole army, upon which, William the conqueror sent another army, who had command, to kill both men, women, and children, who did it, and wasted the whole county, that for nine yeers there was not any food to be got, and such who had hid themselves in coal-pits, and other places, were constrained to eat dogs and cats, dead horses, and mens flesh, and many of them starved to death, all which nine years time, not any ground tilled.

Northumberland being recruited, and most shamefully abused, by the bishop of Durham, who killed Levifus, was killed by them, for which, William the conqueror sent down Odo, with an army, who totally laid Northumberland to waste, cut off the heads of all the people, after they had dismembered them.

Little of confession, or repentance, was by king John, as was by William the conqueror, for he, upon his arrest, at the suit of death, confessed he had committed many outrages, and won England by the sword, and not by inheritance, and was heartily sorry for the wrongs he had done, and required his body to be buried, at Cain, in Normandy. When he was dead, they would not afford him a burial-place, till such time as one of his relations was constrained, to purchase so much ground, but soon after they defaced his tomb, took up his bones, and brake them, and cast them away.

In the fifteenth year of king Richard the second, the scots burnt all the towns of Northumberland,
and

and the north, as far as York, except Rippon, who redeemed themselves with a sum of money.

In the sixth year of king Edward the third, 1332, a great battel was fought between the english and the scots, near Barwick, where was killed, eight earls, fifteen hundred horse, and thirty five thousand foot.

In the thirteenth year of king Edward the third, 1339, an inundation of water surmounted the wall of Newcastle, and broke down six peaches in length, and drowned one hundred and sixty persons, neer the wark knowl.

In the year 1345, William Douglas lead into Northumberland, above thirty thousand scots, and fired many towns, but was overcome, by a stratagem with bishop Ogle.

The next year, 1346, king David, king of the scots, entered Northumberland, with a great army, and fought at Nevils-Crosse, where he was overthrown, himself taken prisoner, by one Copland of Northumberland, who had five hundred pound per annum, given to him, and to his heirs for ever.

In king Richard the seconds dayes, 1379, the scots entered England, and killed all men, women, and children, in the north parts, notwithstanding the plague was forely amongst them.

1383. The scots entered England, and lead all the people away prisoners, that were in Northumberland, and laid that county to waste.

1384. They entered again, and did the like.

1389. The scots again invaded England, where a great battel was fought, at Otterborn, in Northumberland, where they were overthrown, and eleven hundred killed, and thirty thousand put to flight, who, upon their flight, killed men, women, and sucking babes, and filled houses with people, two hundred in a house, and then shut the doors, and fired the houses.

1399.

1399. King Richard the second, caused seventeen counties to be indicted, pretending they were all against him, with the duke of Glocester, Arundel, and Warwick, and commanded them all, to give it under their hands, and seals, that they were traytors, though indeed they never were, and then he makes them pay, some a thousand pound, some more, some lesse.

King Henry the fourth. Great fights were between Douglas and Piercy, in the north.

And in the years 1639, and 1643, and 1648, it being well known to all, the misery they brought upon the north, and heavy impositions, both upon the north, and south parts, as appears, in the close of the epistle to the reader, &c.

It is no small mercy, that we now live so in peace, here being none of those bloody times; and our ancestors would willingly have enjoyed this mercy; and we hunger after blood, which they wallowed in. What bloody minded men are these? I wish them in better minds, and to be contented with that, which, in former times, could not be obtained.

Many have admired the poverty of Northumberland, as well they may, for what with the bloody tyrants, the scots, on the north of that poor county, and oppressive corporation of Newcastle, on the south thereof, bounded in with the high-lands, on the west, and the sea, on the east, that it can get nothing but strokes, and worried out of what they have, and not being tollerated to make use of their own, and cold blasts from the sea; but it would be otherwise, if such gentlemen might be re-imburfed, for such sums of money, as they would expend, to vend coals out of Hartly, Blithe, and Bedlington rivers, which be convenient places, to vend them at, after some charge, which would be done, by having, either their money again, or custome free, for some years, to re-imburse them, which would not onely make that poor county as rich as any is, but reduce the excessive

cessive rates of coals, and salt, and bring in many thousands per annum, into the public renew, &c. enable the people to be serviceable, and abundantly increase trade, and navigation, as also, there being as good coals, as possibly can be burnt, which now lyes, &c. and others, not knowing their right, is stript of it.

But if one thing they look after, which is to examine some records, they may perceive what is their rights, and which was, especially in a book, lodged in the exchequer, made in the year 1080, it being called *Domus Dei*, or *Dooms day*, being a perfect survey, of all the lands in England, the rent, value, quantity, &c. by which, William the conqueror, taxed the whole nation, and it goeth by the name of the role of Winton, being ordered to be kept in Winchester, and recites the earldomes, hundreds, tythings, woods, parks, and farms, in every territory and precinct, with plowlands, meadows, marshes, acres, &c. what tenements, and tenants; then the corporation of Newcastle, might be as glad, to keep what is their own, as they are to take from others, &c.

C H A P. LVII.

THE reason of my collecting these few statutes is, to shew how they are intrenched upon, by an illegal charter, and pressing upon a remedy, shall cite Poulton, which is, that seeing we have all received, and allow it for truth, that the ignorance of the law, doth excuse none of offence, and also, that the law doth help the watchful, and not the sloathful man.

Therefore

Therefore, it behoveth each person, first, to seek the knowledge of those laws, under which he doth live, and whereby he is to receive benefit, or to sustain peril, and next, with all industry, to frame his obedience unto them, or humbly to submit himself, to the censure of them.

And though we find by experience, that some men, by the sluggishnesse of their natures, others, by the carelessnesse of their own welfares, and a third sort, wholly given over to pleasures and vanities, do little respect to know, and lesse to obey, our criminal, and capital laws, being things of great moment, and importance, and therefore do oftentimes taste the smart of them, and repent of their follies, when it is too late.

Many there be, that by reading, desires to conceive them, others, for increase of their knowledge, others, in their actions, to be directed by them, therefore to content such, as knoweth not, as yet, these heads, that they may know what they condemn, and do tend to the breach of the peace of the realm, and to the dislike of all the good members thereof, and what punishments she hath imposed, upon the transgressors therein, and by whom, and in what manner to be inflicted, especially, upon murder, robbery, riots, forgery, perjury, extortion, and oppression, in any of which cases, any person maketh it his own cause, and doth, in a sort, take it to be done to himself, and ought to reduce the transgressor, nay, his highnesse, by his oath, and all people else, are bound to punish them, as being transgressors of his laws, and disquieters of the peace, therefore ought to be rooted out, as the husbandman the thistle, from the good corn, and the gardner his nettles, from his sweet flowers, wherefore, seeing a guilty person, in any of the offences aforesaid, is persecuted in deed, or consent, by all, wishing well to the weal-publick, or their own private estate.

It

It is requisite, that good men, which eschew to offend, for the love of virtue, and evill men, which fear to offend, for the dread of punishment, should both know those laws, which they are to make use of, and the penalties, which be threatened to the infringers thereof, to the intent, the good man having a will to stand, may trust to his feet, remain firm, and continue his integrity, and the evill man, beginning to stagger, may bend his endeavour to stay, and slide no further, (this labour) being to the intent, that the well meaning-man, being made the better, and he, or they, that before were lewdly disposed, the lesse hurtful, may all, at the last, meet and joyn in seeking, and furtherance of that peace, which will be comfortable to the lord protector, and nation, and pleasing, both to God and man.

These laws are preservers of the peace, and layes heavy punishments, upon the withstanders, or deniers thereof, they are his highnesse privy councellors, incessantly, respecting the preservation of his person and dignity, they be as his gentlemen pensioners, attending daily his presence, to do him all honor and service, being as the yeoman of his guard, waiting day and night, to protect him, for his protecting the nation, and them, and from all forcible assaults, and other perils; also, they be as his great and goodly ships, which hath purchased freedome, on the seas, and now lyes hovering up and down, as his castles, and strong forts of defence, as well as they, which stand upon the land, wherewith he doth prevent foreign hostility, repress in ward tumults, and so keep himself, and the people, in peace and safety; likewise, as his judges, justices, sheriffs, constables, and other officers, watching, every hour and moment, in all shires, and counties, places, and corners of the nation, to repress outrages, and to maintain peace.

To maintain these laws, every good member hath the like benefit, as himself hath, for in fear of them, every person doth enjoy his life, and limbs in peace,
and

and is defended from the bloody-minded murderer, and man-queller, and the rage of the furious quarreller and fighter, and in fear of them, the house-keeper resteth in peace, with his wife and family, under his own roof; the terror hereof doth often restrain godlesse people, from committing perjuries, frauds, and deceits, and impudent, and shamelesse men, to wrest from others, by bribery, extortion, or oppression.

And divers there be, who neither by the laws of God, of nature, or reason, will be bridled, and reduced to vertue, yet, by the penalties, and fear of our capital, and criminal laws, do yeeld to be curbed.

And we should now observe, with what care, our fore-fathers, had, from one age to another, and what ordinances they established, in parliament, that severall penal, criminal, and capital laws, and statutes, should be read, or proclaimed, in churches, in fairs, in markets, at the general assizes, and quarter-sessions, of every county, at leets, and law-dayes, and in every inns of court, and chancery, and how the same is continued, and put in practice, to the intent, that the same laws, and the penalties thereof, should be heard, learned, known, and understood, by all sorts of persons, willing to perceive, and apprehend the same.

Charter-law is not so, but like the foul spirit in the air, still ranging, never at rest, nor will let others take any, never seen, but heard in every corner, striking at the pure law, to advance itself, it forces people to a kind of an order, in a town, and the whole nation, to a disorder.

The chiefeft reason, why I give a recital of the penal laws, is, that the ignorant may see how well they are provided for, and not to be left blind, and only being instructed by the extortioner himself, what they must pay, for fees, &c. (but that they may know themselves) and to remedy themselves, when offended, for such oppressors would discover
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no more, for safety of their purses, or bodies, then care was taken formerly, for others souls, when it was ordained, that the bibles should be in latine, and not in english, as appears, by statute the 34. of Henry 8. Several persons restrained from reading the bible, in english, &c. to keep them in ignorance, &c.

C H A P. LVIII.

The oath of an attorney at law.

(A) YOU shall do no falshood, nor consent to any, to be done in the court, and if you know of any, to be done, you shall give knowledge thereof, unto my lord chief justice, or other his brethren, that it may be reformed; you shall delay no man, for lucre, or malice; you shall increase no fees, but shall be contented with the old fees, accustomed; you shall plead no foreign plea, nor suffer no foreign suits, unlawfully, to hurt any man, but such, as shall stand, with order of the law, and your conscience; you shall seal all such proses, as you shall sue out of the court, with the seal thereof, and so the kings majesty, and my lord chief justice, discharge for the same; yee shall not wittingly, nor willingly sue, nor procure to be sued, any false suits, nor give aid, nor consent to the same, in pain to be expelled from the court, for ever; and furthermore, you shall use yourself, in the office of an attorney, within the court, according to your learning and discretion. So help you God. See stat. 3. k. James, 7.

The oath of an under-sheriffe, bayliffe of franchises, deputies, and clerks of sheriffes, and under-sheriffes.
Stat. 27. Eliz. 12.

(B) I (A.B) shall not use, or exercise, the office of under-sheriffe, corruptly, during the time I shall remain therein.

Neither shall, or will except, rejoyce, or take by any colour, means, or device whatsoever, or consent, to the taking of any manner of fee, or reward, of any manner of person, or persons, for the impanielling, or returning of any inquest jury, or tales, in any court of record, for the queen,* or between party and party, above two shillings, or the value thereof, or such fees, as are allowed, and appointed, for the same, by the lawes, and statutes of this realm.

But will, according to my power, truly and indifferently, with convenient speed, impanel all jurors, and return all such writ, or writs,* touching the same, as shall appertain to be done, by my duty, or office, during the time I shall remain in the said office. So help me God, and by the contents of this book.

The reason I write these oaths is, that perjury may the better appear to be punished, in officers, as well as others.

The oath of a jury.

(c) You shall truly enquire, and due presentment make, of all such things as you are charged withall, on the lord protectors behalf, the lord protectors council, your own, and your fellows; you shall well and truly keep, and in all other things, the truth present. So help you God, &c.

The oath of those, that give evidence to a jury, upon an indictment.

(d) The evidence you shall give, to the enquest, upon this bill, shall be the truth, the whole truth,
and

and nothing but the truth ; and you shall not let so to do, for malice, hatred, or evil will ; nor for meed, dread, favor, or affection. So help you God, and the holy contents of this book.

C H A P. LIX.

King Charles his oath, at his coronation, with his hand upon the bible, at the altar.

(A) **S**IR, will you grant and keep, and by your oath, confirm to the people of England, their lawes and customs, to them granted, by the kings of England, your lawfull and religious predecessors, and namely, the lawes, customes, and franchises, granted to the clergy, and to the people, by the king, St. Edward, your predecessor, according, and conformable to the laws of God, and profession of the gospel, established in this kingdom, and agreeing to the prerogatives, of the kings thereof, and to the antient customs of this realm ?

Respons. I grant, and promise to keep.

Sir, will you keep peace, and agreement, intirely, according to your power, both to God, the holy church, the clergy, and the people ?

Respons. I will keep it.

Sir, will you, to your power, cause law, justice, and mercy, in discretion and truth, to be executed, in all your judgements ?

Respons. I will.

Sir, will you grant, to hold and keep, the laws, and rightfull customs,* which the commonalty of your kingdom have, and to defend, and uphold them, to the honor of God, so much as in you lieth ?

Respons. I grant, and promise so to do, and shall observe and keep. So God me help, and the contents of this book.

*King Johns oath, and fealty, to the Pope Innocentius,
an. Dom. 1213.*

(B) **J**OHN, by the grace of God, king of England, France, and Ireland, from this hour forward, shall be faithful to God,* and to St. Peter, and to the church of Rome, and to my lord, pope Innocentius, and to his successors, lawfully entering; I shall not be in word, and deed, in consent, or counsel, that they should loose life, or member, or be apprehended in evill manner; their los, if I may know it, I shall impeach, and stay, so far as I shall be able, or else, so shortly as I can, I shall signifie unto them, and declare the same, unto you the counsell, which they shall commit unto me, by themselves, their messengers, and their letters; I shall keep secretly, and not utter to any man, to their hurt, to my knowledge, the patrimony of St. Peter, and especially, the kingdom of England, and Ireland, and I shall endeavour, myself to defend, against all men, to my power. So help me God, and the holy evangelist, amen. See his re-assignation of the liberties, after this oath, to the barons, of the liberties of England, in chap. 1. (K). * It was time.

C H A P. LX.

The oath of a mayor of a corporation.

(A) **Y**OU shall swear, that you well, and truly, shall serve the keepers, of the liberties of England, by authority of parliament, and the commonwealth, in the office of a mayor, and as mayor, of this town, and borough of Newcastle, for, and during, the space of one whole year, now next coming, and you shall minister equal justice, as well

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to the poor, as rich,* to the best of your cunning, wit, and power, and you shall procure such things, to be done, as may honestly, and justly, be to the profit, and commodity of the corporation, of this town, and also, shall endeavor yourself, to the utmost of your power, to see all heresies, treasons, felonies, and all other trespasses, misdemeanors,* and offences, whatsoever, to be committed,* within this town, and borough, during the time of your office, to be repressed, reformed, and amended,* and the offenders duly punished, according to the law;* and finally, you shall support, uphold, and maintain the commonwealth, within this town prescribed, customes, rights, liberties, jurisdictions, franchizes, compositions, and all lawful ordinances, of this town, and borough,* and as concerning all other things, appertaining to your office, you shall therein, faithfully, and uprightly behave yourself, for the most quietness,* benefit, worship, honesty, and credit of this town, and of the inhabitants thereof. So help you God.

The oath of burgessees of corporation.

(B) **Y**OU shall swear, that you well, and truly, shall serve the keepers, of the liberties of England, by authority of parliament, and the inhabitants of this town, and borough of this town, as one of the burgessees of this town, and shall minister equall justice, to poor and rich, after the best of your cunning, wit, and power, and also, shall well, and truly observe, perform, fulfill, and keep, all such good orders, rules, and compositions, as are, or shall be made, ordered, or established, by the common council, of this town, for the good government thereof, in all things, to you appertaining, and you shall not utter, or disclose any counsel, or secret thing, or matter, touching the fellowship, or corporation of this town, whereby, any prejudice, loss,

lofs, hindrance, or slander, fhall, or may arife, grow, or be, to the fame corporation, but you fhall, in things, belonging to the fellowship, or corporation of this town, faithfully, honeftly,* and indifferently, behave yourfelf, for the moft benefit, and honefty of this town, and the inhabitants thereof. So help you God.

The fame oath is for the aldermen.

Where the ftars are in the lines there will appear breaches.

C H A P. LXI.

The oath of a fheriff.

(A) **Y**OU fhall fwear, that you fhall well, and truly, ferve the keepers, of the liberties of England, by authority of parliament, in the office of a fheriff, of the county of N. and do the keepers of the liberties of England profits, in all that belongeth you to do, by way of your office, as far forth, as you may, or can.

Yee fhall truly keep the keepers, &c. and all that belongeth to them; ye fhall not affent to decreafe, to leffen, nor to concealment, of any of their rights, or franchizes, and whensoever yee fhall have knowledge, that their rights be concealed, or withdrawn, be it in lands, rents, franchizes, or fuits, or any other thing, ye fhall do your true power, to make them be reftored to them again, and if ye may not do it, ye fhall certifie them thereof, fuch as you know for certain, will fay unto them; ye fhall not refpect their debts, for any gift, or favour, when ye may raife them, without grievance to the debtor;

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ye fhall

Ye shall truly, and righteously, treat the people of your sherriffwick, and do right well, to poor, as to rich, in all, that belongs to your office.

Ye shall do no wrong, to any man, for any gift, or other behest, or promise of goods; for favor, nor hate, ye shall disturb no mans right; ye shall acquit, at the exchequer, all those, of whom ye shall any thing receive, of the keepers, &c. debts; ye shall nothing take, whereby the keepers; &c. may loose, or that right may be letten, or disturbed, or the keepers, &c. debt delaid; ye shall truly receive, and truly serve the keepers, &c. writs as far forth, as it shall be in your cunning; ye shall not have, to be your under sherriff, any of the sherriffs clerks, of the last years passed; ye shall take no bayliff, into your service, but such, as you will answer for; ye shall make, each of your bailiffs, make such oath, as you make yourself, in that that belongeth to their occupation; ye shall receive no writs, by you, nor any of yours, unsealed, nor any sealed, under the seal of any justice, save of justices of Eyre, or justices, assigned in the same shire, where you be sherriff in, or other justices, having power, or authority, to make any writs unto you, by the law of the land.

You shall make your bayliffs, of the true, and sufficient men in the country; ye shall be dwelling, in your own proper person, within your bayliwick, for the time; you shall be in the same office, except you shall be licensed, by the keepers, &c. you shall not let your sherriffwick, nor any bayliwick thereof, to farm, to any man; ye shall truly set, and return, reasonable, and due luses, of them, that be within your bayliwick, after their estate and behaviour, and make your pannel yourself, of such persons, as be most meet, most sufficient, and not suspect, nor procured, as it is ordained, in the statute, and over this, in eschewing, and restraining of the robberies, manslaughters, and other manifold grievous offences, that be done daily, by such, as name themselves
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Engraved by W. Rolley, from a Print in Verme's Collection

H E N R Y III.

fouldiers, and by other vagrants, by which increase, in multitude, and number, so that the good people may not safely ride, nor go, to do such things, as they have to do, to their intollerable hurt, and hindrance; ye shall truly, and effectually, with all diligence possible, to your power, execute the statute of Winchester, for vaggabonds; all these things, ye shall well, and truly observe, and keep. So help you God.

It is the judgement of learned counsel, that sheriffs may be indicted, for perjury, by wilful neglect of their duty, as other persons, wilfully, or procuringly, perjures themselves, &c.

KING HENRY THE THIRD,

Was crowned, at the age of 9 yeres, the 28. October, 1216, he reigned 56 yeres, and 20 daies, dyed, the 16. November, 1272, lyeth buried, at Westminster.

None to be condemned, but by the judgment of the law.

STAT. ninth year of his reign, chap. 29. in parliament, enacts, that no free-man shall be taken, or imprisoned, or be disseized, of his free-hold, liberties, or free customes, or pass upon him, or condemn him, but by lawful judgement of his equals, or by the law of the land; we will not sell to no man, we will not defer to any man, either justice, or right. Reg. fo. 186. Coke, Pla. 456. Dyer, fo. 104. Coke, lib. 5. fo. 64. lib. 10. fo. 74. lib. 11. fo. 99. stat. 2. Edw. 3. 8. 5. Edw. 3. 9. 14. Edw. 3. 14. 28. Edw. 3. 3. 11. Rich. 2. 10. 3. Carol. Pet. of right. See chap. 38. (A.C).

Bakers,

Bakers, and brewers, faulty, to be punished.

Stat. 51. year of his reign, 1266, enacts, that if any baker, or brewer, be convict, because he hath not observed the assize, of bread and ale, for the first, second, and third time, he shall be amerced, according to his offence, but if he amend not, then to suffer punishment of body, the baker, to the pillory, and brewer, to the tumbrel, which shall not be remitted, for gold nor silver, and impowres ale cunners, in every town, &c. every baker, to set his own mark, on his bread. See chap. 49. (c).

KING HENRY THE FOURTH,

Born at Bollingbroke, in the countie of Lincolne, began his raigne, the 26. of September, 1399, raigned 13 yeares, and 6 moneths, and died, in an. Dom. 1413, of the age of 46 yeares, buried, at Canterbury.

Justice shall be done in England.

STAT. first year of his reign, chapter the first, enacts the confirmation, of the liberties of England, and all statutes, not repealed; peace shall be maintained, and justice shall be done, to all men.

Sheriffes shall not let their county to farm.

Stat. the fourth year of his reign, chapter the fifth, enacted, that every sheriff, in England, shall abide in proper person, within his bayliwick, for the time, he shall be such officer, and that, he shall not let his bayliwick, to farm, to any man, for the time, that he occupieth, such office, and that the said
sheriffe



Engraved by F. Bailey from a Drawing by M. Harris, taken from the Original Painting at Hampton Court, 1688.

HENRY IV.



Engraved by W. Bury, from an Original Painting, in Kensington Palace.

HENRY V.

sheriffe, be sworn, from time to time, to do the same, in special, amongst other articles, comprized, in the oath of sheriffs. Stat. 23. Hen. 6. 10.

KING HENRY THE FIFTH.

Began his raigne, the 20. of March, was crouned, at Westminster, the 9. of Aprill, 1413. He raigned 9 yeares, 2 months, died, in the castel of Boyes, neer Paris, the 13. of August, 1422, buried, at Westminster.

Coals to pay, two pence, per chaldron, custome, and keels, to be measured.

(A) **S**TAT. the ninth year of his reign, chap. 9. 10. it was enacted, the king should have two pence, of every chalder of coals, of unfranchized men, in the river, and port, at Newcastle upon Tyne, as customes, and, for the better knowledge of such customes, ordains, that all keels, or boats, which carried coals, to ships, should be, of the just burden of twenty chaldron of coals. Notwithstanding this act, the Newcastle men, made the keels, to carry, some, two, and some, three and twenty, to wrong the king, of his customes, which great cheat, was proved in parliament, where they enacted, to prevent such like, for the future, that sworn commissioners, should mark all keels, and other vessels, carrying coals, to ships, upon pain of forfeiture, of keel and coals. See chap. 9. (A), 11. chap. (1).

KING

KING HENRY THE SIXTH,

Of the age of 8 moneths, began his raigne, the 1. of September, 1422, crowned, at Westminster, the 6. of November, 1429, afterward, crowned, at Paris, 7. September, 1431, raigned 38 yeares, 6 moneths, 4 dayes, buried, at Winsore.

Punishments of customers, for not clearing ships.

(A) **S**TAT. the eleventh year of his reign, chap. 15. enacted, that, for as much as the customers, and controlers, in the kings ports, do not write any warrants, in discharge of merchants, of their merchandizes, by them shewed, and duely customed, transported, or imported, the same customers, and controlers, do imbezel the kings customes, and the merchants be greatly hindred, because that the warrants might plainly shew, and declare their due custome, when they be often, and unduly impeached, in the kings exchequor; in consideration of the said deceits, it was enacted, that the said customers, and controlers, shall write, and deliver, sufficient warrants, sealed, with the seal of their office, to that end ordained, to the said merchants, not any thing to be given for the same, but their due custome; and, that in case any customer, or controler, do the contrary, then the merchant may have an action, by vertue of this ordinance, to pursue every customer, or controler, that doth the contrary, in every court of record, and being thereof attainted, shall forfeit, to the king, for every default, ten pounds, and to the merchant grieved, that sueth, five pound. 11. Hen. 6. 15. See chap. 45. (E).

The great danger, occasioned by small riots.

(B) In the 37. year of his reign, began such riots, routs, and unlawful assemblies, that it produced a worse



Engraved by W. Baily, from a Drawing taken from a Painting in Embsay Palace

HENRY VI.

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worse effect, then in king Richard the seconds dayes, which was occasioned, between a yeoman of the guard, and a serving man, of the earle of Warwick, which so far increased, not being timely prevented, that it proved the root of many a woful tragedy, brought to death the duke of York, who was proclaimed successor to the crown; the king, prince Edward his son, all, or most of the peers of the land destroyed, by fidings, and, at least, six and thirty thousand of the common people, cut off, at one battel, at Toughton, in Yorkshire, the king, queen, and prince, put to flight, to Barwick. See Richard the second, what was done. See chapter 37. (A), 3. Hen. 6. See Rich. 2. (E).

Sheriffs fees ; none of his officers shall be returned, upon inquests, letting to bayl, &c.

(c) Stat. 23. Hen. the sixth, chapter 10. The king, considering the great perjury, extortion, and oppression, which be, and have been, in his realm, by his sheriffes, under-sheriffs, and their clerks, coroners, stewards of franchizes, bayliffs, and keepers of prisons, and other officers, in divers counties of this realm, have ordained, by the authority aforesaid, in eschewing of all such perjury, extortion, and oppression, and, that because the sheriffe of every county, is a great, and necessary officer, in the commonwealth, and used, as a special instrument, to the furtherance of justice, in all suits, pursued at the common-law, and his service is employed, in the beginning, prosecuting, and ending, of the most of them, therefore, as the law, hath alwayes, had a special regard of him, and foreseen, that he shall be a man of wisdom, of worth, of credit, countenance, and ability, (this is not William Fenwick, of North Riding, in Northumberland, for he derogates from them all) and that he shall be allowed, a convenient stipend, and salary, for his pains, in most cases, so

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doth she carry a vigilant, and watchful eye, upon him, and his inferiour officers, or substitutes, knowing what grievous oppressions might ensue, if she should leave a man of his authority, and necessary imployment, at liberty, to dive, at his pleasure, into other mens purse, and to take what he would, (as William Fenwick doth) therefore, she hath restrained him, his under sheriffe, bayliffe of franchizes, and other bayliffes, (most of which are foresworn) within certain lists, and assigned them, what they shall take for arrests, attachments, mainprizes, letting to bail, and serving of executions, which, if any of them do exceed, he shall forfeit, forty pound a time, and shall be adjudged an extortioner, in which said statute, it is enacted, that no sheriffe, under-sheriffe, or any bayliffe, by occasion, or under colour of his office, shall take any other thing, by themselves, or any other person, to their use, or to their profit, of any person, by any of them arrested, or attached, nor of any other for them, for the omitting of any arrest, or attachment, to be made, by their bodies, or of any person, by any of them, by force, or colour of their office, arrested, or attached, for fine, fee, mainprize, letting to bail, or, for shewing any ease, or favour, to any such person, so arrested, for their reward, or profit, but such as follows; the sheriffe, twenty-pence, the bayliffe, which maketh the arrest, or attachment, four pence, the gaoler, if the prisoner be committed to his ward, four pence; for making of a return, or paniel, and for the copy of a paniel, four-pence; no bond to be made, by them, under colour of their office, but onely to themselves, for the appearance of any prisoner, at the day prescribed, and what bond is otherwise, is void; and he shall take no more, for making such obligation, warrant, or precept, by him to be made, but four pence; and all sheriffes, under-sheriffes, clerks, bayliffes, gaolers, coroners, stewards, bayliffes of franchizes, or any other officer, or ministers, which

which doth, contrary to the aforesaid ordinances, in any point of the same, shall lose, to the party, in this behalf endamaged, or grieved, his treble damages, and shall forfeit, forty pounds, at every time, that any do the contrary, in any point of the same, whereof the king shall have the one half, to be imployed, only to the use of his house, and the other, to the party, that will sue for the same, by bill, plaint, &c.

I shall lay open the excessive fees, extorted by the sheriffs of Northumberland, against the law, viz.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Return a tales - - - - -	0	6	0
For allowance of a pony - - - - -	0	9	2
For allowance of a writ, false judgement -	0	16	6
Upon execution granting out - - - - -	0	15	0
And all upon the defendant, after execution	1	11	6
For breaking open an original proces - -	0	2	6
For the warrant thereof - - - - -	0	0	6
Bayliffs, for the arrest from the plaintiff -	0	1	0
From the party arrested - - - - -	0	1	8
To file bayl above, and taking the declaration	0	8	0

This is costly law.

This justice is both bought and sold, &c.

A bill of indictment, before a judge, would reduce these, &c.

The form of an indictment, for sheriffs.

(D) London ff. The jurors, for the lord protector, of the commonwealth of England, Scotland, and Ireland, &c. upon their oaths, do present, that John Butler, of London, sheriffe, the 20th. day of August, in the year of our Lord God, 1652, being then sheriffe, and keeper of the prison, of the Newgate, in London, the day, and year aforesaid, did, by force, or colour of his said office, as sheriffe, and

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keeper

keeper of the said prison, unlawfully, and extortionously exact, and take of one John Cuthberton, then, and there, being arrested, and imprisoned in the said prison, under the custody of the said sheriff, at the suit of John Roe, the sum of six shillings and eight pence, for the fee of the said sheriffe, and keeper, for the custody of the said John, in the said prison, from the 20. day of the month of May, in the year aforesaid, until the 20. day of August, then next following, to the great damage of the said John, and to the evill example of others, in the like case offending, and contrary to the form of the statute, in such case made, and provided, and against the public peace. See chap. 58. (C), (D), (B), stat. 23. Hen. 8. 3.

KING HENRY THE SEVENTH,

Began his raigne, the 22. of June, 1485, and was crowned, at Westminster, the 30. of October. He raigned 25 yeares, and 8 monthes, and died, the 22. of April, lieth buried, at Westminster.

STAT. 3. Hen. 7. chap. 1. * It is enacted, if any coroner be remisse, and maketh not inquisition upon the view of the body dead, and certifie not, according to his office, it is ordained, that he shall, for every default, forfeit five pounds. See chap. 10. (O.P), chap. 48. 29. 49.

Weights and measures, &c.

Stat. 11. Hen. 7. chap. 4. For as much, as many grievances have been set forth, unto this present parlament, of the great fraud, and deceit, in measures,



Engraved by W. Hillier, from a Painting in Kensington Palace.

HENRY VII.



measures, and weights, for remedy whereof, it is ordained, and enacted, that, to the knights, and citizens, of every shire, and city, assembled, in this present parliament, barons of the five ports, and certain burgessees, of burrough towns, ere they depart, from this present parliament, be delivered, one, of every weight, and measure, which now is made of brasse, for the good of the subject, according to the kings standard, of his exchequer, of weights, and measures, and that they shall cause all common weights, and measures, to be as abovesaid, and all such as prove defective, then such weights and measures, shall be broken and burnt, and the party pay twenty shillings, and be set in the pillory; the quarter of corn, to be eight bushels, raised, and struck, and fourteen pound, to the stone of wool, &c. and water measure, to be five pecks on ship board, according to the standard, &c. See chap. 49, (c).

No ordinance to be made by corporations, &c.

By act of parliament, 19. Hen. 7. 7. That masters, wardens, and people of guilds, fraternities, and of other companies corporate, oftentimes, by colour of rule, and governance, to them granted by charter, and letters pattents, made amongst themselves, many unlawfull, and unwarrantable ordinances, as well in prizes of wages, as other things, for their own singular profit, and to the common hurt, and damage of the people, be it enacted, and it is hereby enacted, that no such master, wardens, nor companies*, make, nor use, any ordinance, in disheritance, nor diminution, of the prerogative of the king, nor of others,* nor against the common profit of the people, nor none other ordinance of charge, except it were first discusst, used, and and proved, by good advice of the justices of peace, or the chief governors of cities, and before them, entered up-
on

on record, and that upon pain, to loose, and forfeit the force, and effect of all the articles, in their said letters pattents, and charters contained, concerning the same, and over that, to pay ten pounds to the king, for every ordinance, that any of them made, or used, to the contrary, the same ordinance to indure, at the kings pleasure, which act was then expired, and since the expiration of the same, many ordinances have been made, by many private bodies, within divers cities, towns, and burroughs, contrary to the kings prerogative, his laws, and the common weal of his subjects; be it therefore enacted, that no masters, wardens, and fellowship of crafts, or mysteries, nor of any rulers of guilds, or fraternities,* take upon them, to make any acts, or ordinances, nor to execute any, by them heretofore made, in dishertion, or diminution of the prerogative of the king, nor of other, nor against the common profit of the people, except the said acts, and ordinances, be examined, and approved by the chancellor, treasurer of England, or chief justices, of either benches, or three of them, or before both the justices of assizes, in their circuit, in the shire, where such acts, or ordinances be made, upon pain of forfeiture of forty pounds, for every time they doe to the contrary; and over that, it is enacted, that none of the same bodies corporate, take upon them, to make any acts, or ordinances, to restrain* any person, or persons, to sue to the king, or any of his courts, for due remedy, to be had in their causes, nor put, nor execute any penalty, or punishment, upon any of them, for any such suit to be made, upon pain of forfeiture of forty pounds, for every time, that they do to the contrary. See chap. 39. (A), 30. (D), 43. (D), and chap. 10. (G).

This statute will prove offensive to the free hoastmen, and the charter of the admiralty, if well prosecuted, and pay them for all the wrongs done.

KING



Engraved by W. Bole, from a painting of Holbein, in Kensington Palace

HENRY VIII.

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KING HENRY THE EIGHTH,

Was borne, at Greenwich, entered his raigne, being 18 yeares of age, the 22. Aprill, 1509, was crowned, at Westminster, the 25. of June following. He raign-ed 37 yeares, and 9 months, died, the 28. of June, buried, at Winsor.

(A) **S**TAT. 21. Hen. 8. chap. 18. In the vacancy of the see of Durham, cardinal Wolsey being dead, and no knights, nor burgeses, in parliament, for Durham, and Northumberland, then, the mayor, and burgeses of Newcastle, knowing there could be no opposition, petitioned the king, and parliament, for that, whereas the mayor, burgeses, and commonalty of that town, having been faithfull subjects, and held, in fee, from his progenitors, that town, port, and haven of the river of Tyne, thereunto belonging, and of all ground,* which the water covered, within the said river of Tyne, from the mouth of the said river, called Sparhawke, and to Headwin streams, in their demean, as of fee, in right of the crown, and that all merchandizes, carryed by any ship, or vessell, into that port, or carried out, used to be discharged, and loaden, only, at that town, by which means, the customs, subsidies, and tole, were received there, for his majesties use, 500l. per annum, and that by reason of those liberties, and franchizes, that town hath been well replenished, and maintained, and able to furnish his majesty, with four hundred marriners for the war, and by reason of several great personages, as well spiritual, as temporal, having lands adjoyning to the said river, have loaden and unloaden ships, with several merchandizes, and paid no customs, to the utter undoing of the town, and the great dishertion of your highness, and minishment to your customs, and that divers weyers, and fish-gates, were erected in the said river, by
means

means whereof great sand-beds, and gravel heaps, be grown, and cast up, in the said river, that within few years to come, no ship of good burthen, or weight,* shall be able to come up to the town, to the inestimable hurt of the countries, thereunto adjoining, and to the damage of your realm,* especially, to all persons needing sea coals, which be onely conveyed, from the said port, and no where else, to be shipped, or had, but there.

In consideration whereof, may it please your majestie, out of your bounden grace, with the assent of your lords, spiritual and temporal, and the commons, in parliament, to enact, ordain, and establish, that from henceforth, any merchant, or merchants, or any other person, or persons, shall not ship, load, or unload, any merchandize, or other wares of goods, to be sold here, between the said place, called Sparhawke, and Headwin streams, (being fourteen miles in length) but onely at Newcastle, upon pain of forfeiture, of all such goods, and wares, and merchandizes, to the king.

And for the mayor, and burgeses, to pull down all weires, goares, and engins, which was granted by the said statute, provided alwaies this act be not prejudicial to any person, or persons, being the kings subjects, for building, shipping, loading, or unloading, any salt, or fish, within the said river, and port, or to any of them, or to any other persons, repairing to the said port, with ships and merchandizes, for selling, or buying of any merchandizes, or wares, needful for victualing, and amending of the said ships,* at the time of their being in the said port, this act, or any thing comprised in the same, notwithstanding. See chap. 50. (c).

A table of fees, for customs, toles, &c. in towns.

(B) Stat. 22. Hen. 8. chap. 8. Be it enacted, that every city, borough, and town corporate, their officer

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cer shall set up, or cause a table, in open place, of, and for the certainty of all such, and every duty, of every such custom, tole, and duty, or sum of money, of such wares and merchandizes, to be demanded, or required, as above rehearsed, shall, and may plainly appear to be declared, to the intent, that nothing be exacted, otherwise, than in old time hath been used, and accustomed, upon pain of each city, five pound, and every corporation, forty shillings, for every month, that the said table shall fail to be set up, the moyety to the king, and the other to the party, that will sue for the same, by writ, bill, plaint, or information, in which the defendant shall have no assygn, wager of law, nor protection of law, allowed. See chap. 44. (E).

A commission of sewers, &c.

(c) Stat. 23. Hen. 8. chap. 5. The king, considering the absolute necessity, of granting a general act, for commissioners of sewers, to be directed, in all parts of his realm, for the advancing of the commonwealth, and commodity of this his realm, and likewise, considering the daily great damages, and losses, which have happened in many parts of the nation, in the decay, and spoil of rivers, to the inestimable damages of the commonwealth, which do daily increase; for remedy whereof, it is enacted, that there be commissioners of sewers, and other premises, directed, in all parts, from time to time, where and when need shall require, to such substantial, and indifferent persons, as shall be named by the lord chancellor, and lord treasurer of England, and the two chief justices, for the time being, or by three of them, whereof the lord chancellor to be one.

The commissioners to be residing, in the respective countie, where the commission is directed, (which said commissioners, will preserve the said river) having

ing power given them, to constitute and ordain laws, ordinances, and decrees, and to repeal, reform, and amend, as need shall require, any defects.

Also, to pull down any newfances, incroachments, or the like, erected in the said rivers, and to cause buildings of wharfs, for the good of the same, and power, to rate, and tax any person whatsoever, towards the charge, for the good of the said rivers, or having spoyled the same, to seize his, or their lands, tenements, goods, and chattels, for the said taxes, and to dispose of the same, by sail, lease, or otherwise, six commissioners being present, and every commissioner is to have four shillings a day, when they sit, and the clerk, two shillings a day, out of the taxes. I refer the rest of this power, to the relation of these statutes following. 3. Edw. 6. 9. 13. Eliz. 9. See 34. chap. (c), 35. (A.B).

An attaint against a jury.

(D) Stat. 23. Hen. 8. chap. 3. The law having first used all good devices to cause sheriffs, undersheriffs, bayliffs of liberties, coroners, and all others authorized to return, and impanel juries, to be indifferent, and to return the said jurors, and juries, without all partiality, and that they shall be no furtherers, maintainers, nor assisters to perjury, subordination, or embracery, and also having provided, that all those jurors, which be so returned upon inquests, and to try inquests, and to try issues between party and party, may again, one by one, be sifted, tryed, and examined, whether they standing unsworn, be indifferent, or not; she doth then expect from those jurors, *veridictum*, a true tale, that is to say, a true verdict, or presentment, of such things as be given them, in charge, according to their evidence, but if the same jurors, will decline from truth, and make a false presentment, contrary to their evidence,* then, it is not to be termed *veredictum*,

verdictum, but *perjurium*, and it will be returned to them, as *maledictum*, for by the common-law, they being attainted, by the verdict of four and twenty other jurors, shall receive a cursed, and villainous judgement; therefore, viz.

The said jurors, shall lose the freedom of the law, their wives, and children shall be thrust out of their houses, their houses shall be pulled down to the ground, their orchards, and gardens shall be subplanted, their trees shall be digged up by the roots, their meadows shall be eyred up, all their goods, and chattels, which they have at the time of the attainit brought, or at any time after, shall be forfeited to the king, the king shall have all the profit of their forfeited lands, during their lives, and they shall be committed to perpetuall prison, which judgement, was devised, and many years put in execution, to the intent, it might be known, how much the common-law did detest, and punish wilfull perjury, and falsehood, in those who she trusted, in place of justice, and from whom she accounted to receive truth. See *Poulton, Perjury*, (16). See chap. 58. (B.C.D.) stat. 23. Hen. 6. 10. (D).

To prevent spoyl in rivers by ballast.

(c) Stat. 34. Hen. 8. 9. The king, for the good and preservation of rivers, enacted, that what person, or persons, do cast, or unlade any ballast, rubbish, gravel, or other wreck out of any ship, crayer, or other vessels, being within any haven-road, channel, or river to any port, town, or other city, or borough, within this realm, but onely upon the land, above the full sea-mark, upon pain of forfeiture of five pound a time, the one half to the king, the other, to the party discovering, that will sue for the same, by bill, plaint, or otherwise, no wager of law admitted, or any essoyne, or protection allowed.

This is a legal course, but Newcastle acts not hereby, as you may see, in chap. 34. (C), 35. (A.B), 12. chap. (6), 14. (B).

KING EDWARD THE FIRST.

Sheriffs punished for refusing bail.

(A) **S**TAT. 3. Ed. 1. 15. King Edward the first, for as much as sheriffs, and others, which have taken, and kept in prison, persons detected of felony, and incontinent, have let out, by plevyn, such as were not replevifable, and kept in persons, such as were replevifable, because they would win of the one party, and grieve the other, it is ordained, that if any sheriffe, or any other, which hath the keeping of prisons, let any go at large, by surety, that is not replevifable, and thereof be attainted, he shall lose his fee, and office, for ever, and if the under-sheriffe, constable, or bayliff, of such who have fees, for keeping of prisons, do it, contrary to the will of his lord, or any other bayliff, being not of fee, they shall have three years imprisonment, and make fine, at the kings pleasure, and if any man with-hold a prisoner replevifable, after that they have offered sufficient surety, he shall pay a grievous amerciament to the king, and if he take any reward, for the deliverance of such, he shall pay it double, to the prisoner, and also, shall pay a grievous amerciament, to the king. See stat. 27. Edw. 1. 3. stat. 3. Hen. 7. 2. the first and second Philip and Mary, 13. See 30. chap. (B), 37. chap. (A), 41. chap. (A).

Extortion



Engraved by W. Ashby, from a Painting, taken from the Statue, designed at Compton Castle.

EDWARD I.

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Extortion in officers.

(B) Stat. 3. Ed. 1. 26. The king ordains, that none of his officers shall commit extortion, neither sheriffe, nor other shall take reward, to do his office, but shall be paid, of that which they take of the king, and he that so doth, shall pay, or yeeld two times as much, and shall be punished, at the kings pleasure. See stat. 23. Hen. 6. 10.

Outrageous tole.

(c) Stat. 3. Edw. 1. 30. The king ordains, that such who takes outrageous tole, contrary to the common custome of the realm, in market towns, by the lord, then the franchizes of the said market, to be seized into the kings hand, and if it be in the kings town, which is let in the farm, the franchizes to be seized, in the kings hand, and if it be done, by a bayliffe, without consent of his lord, he shall restore double, and shall have forty dayes imprisonment; touching citizens, and burgessees, to whom the king granted murrage, to inclose their towns,* which takes such murrage, otherwise then it was granted unto them, and thereof be attainted, it is provided, that they shall lose their charter, or grant, for ever, and shall be grievously amerced, unto the king. (See 44. Edw. 3. fo. 20.) 43. Edw. 3. fo. 29. (Fit. N. B. fo. 94.). See 11. chap. (H), 44. (1), 49. (C), 48. (A).

Persons attached out of their liberty.

(D) Stat. 3. Ed. 1. 34. For as much as great men, and the bayliffs, and others, the kings officers onely excepted, unto whom special authority is given, which, at the complaint of some, are by their own authority attached, others passing through their jurisdictions with their goods, compelling them to answer

answer afore them,* upon contract, covenants, and trespasses, out of their jurisdiction, where indeed they hold nothing of them, or within their franchises, where their power is, in prejudice of the king, and his crown, and to the damage of the people, it is provided, that none, from henceforth, so do, and if any do, he shall pay to him, that by his occasion shall be attached, his damage double, and shall be grievously amerced to the king. 3. Ed. 1. 16. See chap. 30. (B).

The penalties for procuring writs.

(E) Stat. 13. Edw. 1. 36. For as much as lords of courts, and others, that keeps courts, and stewards, intending to grieve their inferiors, where they have no lawful means so to do, procures others, to move matters against them, and to put in fureties, and other pledges, or to purchase writs, and at the suit of such plaintifffes, compels them to follow the county, hundred, wapentake, and other like courts, untill they have made fine with them, at their will; it is ordained, that it shall not be so used hereafter, and if any be attached, upon such false complaints, he shall replevy his distresse, so taken, and shall cause the matter to be brought afore the justice, before whom, if the sheriff, bayliff, or other lord, after that the party distrained, hath framed his complaint, will advow the distresse lawful, by reason of such complaints made unto them, and it be replied, that such complaints were moved maliciously, against the party, by the solicitation, or procurement of the sheriff or other bayliffe, or lord, the same replication shall be admitted, and if they be convicted hereupon, they shall make fine to the king, and treble damages to the party grieved. See stat. 8. Eliz. 2.

No tax to be levied but by parliament, &c.

(F) Stat. 25. Edw. 1. 6. Be it enacted, that none shall be charged, by any charge, or imposition, nor be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in parliament.

A writ called Ad quoddamum, to purchase fairs, markets, &c.

(G) Stat. 27. Ed. 1. 1299. The king ordains, that if any person, or persons, having a mind to obtain any liberties, fairs, markets, or the like, may have this writ out of chancery, called *Ad quoddamum*; if the inquest passe for them, they shall have it, for remembrance of which thing, there is an indenture made, and divided into three parts, whereof one part remains in the chancery, another in the exchequer, and the third in the wardrop. Regist. fo. 247. Fitz. N. B. fo. 221. Rast. Pla. fo. 25. 32. See chap. 48. (A.B), 44. (I), 49. (A.G), 50. (A), 29. (A), 47. (A), 51. (A), 50. (C), and chap. 11. (I.K).

This writ, called a quo warranto, will dash any charter a peeces exceeded.

(H) Stat. 30. Ed. 1. 1301. The king and his parliament, provided well for the weal of the nation, against any indirect course, prosecuted under colour of charter, grants, &c. either by not putting in execution, what is granted to corporations, or exceeding their powers, ordains this writ, whereby all men may have right, if they look after it, viz. The king to the sheriff, greeting, summon by good summons, &c. that they be before us, at &c. in our next coming, into the county aforesaid, or before our justices of assize, when they shall come into those

those parts, to shew, by what warrant they claim such liberties, and hold a view of frank pledge, in their mannor of &c. or by what warrant they have, to hold *Tholonium* (*tollis*) for them, and their heirs, and by what warrant they do such wrongs, &c.

This writ, is like twenty of the violentest mastiffs, upon a small bear, tearing her all in peeces, they being unmuzzled. There is great want of such bayting.

(1) Doctor Lamb, who was killed by a rude multitude, in London, and soon after buried, but by reason a coroner did not view his dead body, &c. this writ was brought, by attorney general Noy, who voided their charter, and they were fined many thousand pounds, and paid, &c.

(κ) London-Derry, onely for exceeding their power, in their charter, were served the very like, &c.

This writ would do the like to Newcastle, if acted, for exceeding their powers, and not burying Mr. Snapes son, one Gray, and William Rea, who were drowned in that river, as they are tyed to do by charter. See chap. 10. (O.P), and see chap. 29. (A), 48. (B), 49. (Y).

No distresse without warrant.

(L) Stat. 34. Ed. 1. 2. The king ordains, that no officer of his, or his heirs, shall take any corn, cattle, or any other goods whatever, from any person, without the good will, and assent of the party, to whom the goods belonged. See chap. 47. (A), 30. (B).



Taken from an Ancient Print of Vermeer and Engraved by W. Rodley.

EDWARD II.

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KING EDWARD THE SECOND,

Surnamed Carnarven, was crouned, at Westminster, at the 22. yere of his age, the 24. of February, 1308. He raigned 19 yere, 6 monethes, was deposed the 25. of Janiwarius, 1326. He was slayne in the castle of Barkley, in the 43. yere of his age.

Breaking of prisons.

(A) **S**TAT. 1. Ed. 2. 1307. By the common-law of England, if a man had been imprisoned, and broke the prison, he should have been hanged, for what cause soever he had been imprisoned, yea, although it had been but for trespass, which great enormity was redressed, by this statute of 1. Edw. 2. intituled, *De frangentibus prisonam*, the words where be these, touching prisoners breaking of prison, our lord the king, doth will and command, that none, which from henceforth do break prison, shall have judgement of life, and member, for the breaking of prison onely, except the cause for the which he was taken, and imprisoned, doth require such judgement, if he should have been convicted thereof, according to the law, and custom of the realm, though in times past, it hath been otherwise used, and therefore it is to be considered, who is a prisoner, and what is breaking of prison. According to the meaning of the aforesaid statute, every person, who is under arrest, for felony, is a prisoner, as well being out of the goal, as within, so that if he be but in the stocks, in the street, or out of the stocks, in the possession of any, that hath arrested him, and doth make an escape, that is a breaking of prison, in the prisoner, for imprisonment is none other, but a restraint of liberty. Rast. pla. fo. 247. 340. Kil. fo. 87. Dyer, fo. 99. Fitz. Coron. 134. Bro. Coron. 79.

Unsufficient Sheriffs.

(B) Stat. 9. Edw. 2. 1315. The king, receiving great complaints, from the great men, and people in parliament, throughout the whole realm, perceived great damage done to him, and great oppression, and disheritances to his people, by reason of unsufficient sheriffs, and bailiffs; the king, resolved to prevent such evil oppressions, and disheritances, by the assent of his prelates, barons, &c. enacted, that the sheriffs, shall have sufficient land, within the same shire, to answer the king, and his people, and to attend his office, and if any sheriffs, or hundreders, be unsufficient, shall be removed,* and others, more convenient, put in their place; that none shall farm his land; that writs, sent to the sheriffs, shall be executed by the hundreders, sworn and known; they to be such——as have land, to answer, and not by others, so that the people may know to whom to sue, such execution, saving always the returns of the writs, to them that have them, or ought to have them.

The king, by his prerogative, shall have the wreck of the sea.

(C) Stat. 17. Edw. 2. 11. It is enacted, that the king shall have the wreck of the sea, throughout the realm, whales, and great sturgeon, taken in the sea, or elsewhere, within the realm, except in certain places privileged by the king. See stat. 3. Edw. 1. 4. Raft. pla. fo. 611. Co. lib. fo. 106. 108. 1. Hen. 7. fo. 23. 11. Hen. 4. fo. 16. 9. Hen. 7. fo. 20. 35. Hen. 6. fo. 27. See chap. 10. (s), 30. (A), 29. (D), 30. (C).

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The king shall have all felons goods.

(D) Stat. 17. Ed. 2. 16. Be it enacted, the king shall have the goods of all felons, attainted, and fugitives, wheresoever they be found, and if they have freehold, then it shall be forthwith taken into the kings hands, and the king shall have all profits of the same, by one year, and one day, and the land shall be wasted, and destroyed, the houses, woods, and gardens, and all manner of things, belonging to the same, excepting men of certain places, privileged by the king therefore, and after he hath had the year and the day, and the waste, then the land shall be restored to the chief lord of the same fee, unless that he fine before with the king, for the year and the day, and the waste; nevertheless, it is used in the county of Gloucester, by custome, that after one year and a day, the lands, and tenements of felons shall revert, and be restored to the next heir, to whom it ought to have descended, if the felony had not been done, and in Kent, the custome is gavel kind, the father to the bow, and the son to the plow: All heirs male shall divide their inheritance, and likewise women, but women shall not make partition with men, and a woman, after the death of her husband, shall be endowed of the moiety, and if she commit fornication, in her widowhood, or take an husband after, shall loose her dower. Fitz. N. B. fo. 144. Regist. fo. 165. V. N. B. fo. 99. V. N. B. fo. 5. See chap. 10. (s), 53. (A).

KING EDWARD THE THIRD,

Borne at Winsor, was crowned, at Westminster, the 2. of Feb. 1327, being 15 yeares olde, raigned 50 yeares, 4 months, 24 daies, dyed, the 21. of June, 1377, lyeth buried, in Westminster.

Enquiry of Goalers, which shall procure prisoners to become appealers.

(A) **S**TAT. 1. Edw. 3. 7. Be it enacted, for the eschewing the damages, and destruction, that often doth happen by sheriffs, goalers, and keepers of prisons, within franchises, and without, which have pained their prisoners, and by such evill means, compel, and procure them to become appealers, and to appeal harmless, and guiltless people, to the intent to have ransome of such appealed person, for fear of imprisonment, or other cause, the justices of the one bench, and of the other, and justices of assizes, and goal delivery, shall, by force of this statute, enquire of such compulsive punishments, and procurements, and hear the complaints of all them that will complain, in such cases by bill, and shall hear, and determine such plaints, as well at the suit of the party, as at the kings suit. Stat. 13. Edw. 1. 12. 14. Ed. 3. 10. Rast. pl. fo. 56.

None to ride armed, except, &c.

(B) Stat. 2. Edw. 3. 3. Be it enacted, that none shall ride, or go armed, but such as are the kings servants, or being licenced, nor his officers, to do their office by force of arms, nor bring any force, in an affray of the peace; neither to be armed by day, nor night, in any place, upon pain of forfeiture of their arms, and imprisonment, during the pleasure of the king: All officers whatever is required to put this act in force. See chap. 37. (A).



Engraved by H. Kilgus from a Painting in Windsor Castle.

EDWARD III.

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(c) 2. Edw. 3. 6. 2. Edw. 4. 5. Every justice of peace, upon his discretion, may bind to the peace, or good behaviour, such as are common barrators. A common barrator is he, which is either a common moover, and stirrer up, or maintainer of suits in law, in any courts of record, or else of quarrels, or parts in the country; as if any court of record, county court, hundred, or other inferior courts, any person, by fraud, and malice, under colour of law, shall themselves maintain, or stir up others unto multiplicity of unjust, and feigned suits, or informations, upon penal laws, or shall maliciously purchase a special supplicavit of the peace, to force the other party to yeeld to him composition, all such as are barrators in the countrey, and these are three sorts.

First, disturbers of the peace;* such are either common quarrellers, or fighters in their own cause, or common moovers, or maintainers of quarrels, and affraies between others.

Secondly, common takers, or detainers by force, or subtlety of the possessions of houses, lands, or goods, which have been in question, or controverſie.

Thirdly, inventers, and sowers of false reports, whereby discords ariseth, or may arise between neighbors; yea, if one be *communis feminator litium*, he is a barrator, or if any man, of himself, be *communis oppressor vicinorum*, a common oppressor of, or wrangler with his neighbors, either by unjust, or wrangling suits, or other oppressions, or deceits, he is a barrator, or if one *communis pacis perturbator, calumniator, et malefactor*, he is a barrator, but all such persons must be common barrators, not in one, or two, but in many causes. See Lamb. 79. Co. 8. 36. Co. 1. 338. Co. 8. 36. Crompt. 257. Co. 8. 7.

(d) Stat. 2. Edw. 3. 8. It is accorded, and established, that it shall not be commanded by the great seal, nor the little seal, to disturb, or delay common right, and though such commandements do come, the

This will break the neck of all charters in England, that be unjust, &c.

the justices shall not therefore leave to do right, in any point. Stat. 9. Hen. 3. 29. 5. Ed. 3. 9. 14. Edw. 3. 14.

Gold and silver prohibited, &c.

(E) Stat. 9. Edw. 3. 1. No person shall carry gold, or silver out of the realm, without the kings licence; who so doth, shall forfeit all such as is carrying, with ship, &c. Stat. 5. Rich. 2. 2. Stat. 2. Hen. 6. 6. 19. Hen. 7. 5.

Rates on victuals.

(F) Stat. 23. Edw. 3. 6. The king ordains, all persons whatever, which sells any kind of victuals, shall be bound to sell their victual, at a reasonable rate, or price, having respect to the price, that such victuall be sold at, in the places adjoyning, so that the feller may have a moderate gain, and not excessive,* and if the feller do sell otherwise, shall pay double back. The mayor, and bayliffs of the city, market-towns, and other corporate towns, and the ports of the sea, shall have power to enquire of all offenders in the same, and to levy the said pain (upon themselves) for their use, who sueth for the same; and in case the mayor, and bayliffs, be negligent in putting in execution, any of the premises, and thereof be convicted, before justices assigned, then the said mayor, and bayliffs, shall be compelled by the said justices, to pay the treble of the things so sold, to the party damnified, and also, shall be grievously punished by the king. 23. Edw. 3. 4. See chap. 50. (A), 44. (E), 48. (A), 51. (A), 29. (A).

None to be condemned without his answer, &c.

(G) Stat. 28. Edw. 3. 3. The king ordains, that no man, of what estate, or condition he be, shall be
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put out of his land, nor tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer, by due process of law. Stat. 9. Hen. 3. 29. 5. Edw. 3. 9. 25. Ed. 3. 4. See chap. 10 (X), 38. (C), 41. (A), 43. (D), 38. (A).

Penalty of a mayor, sheriff, and aldermen, for not redressing grievances.

(H) Stat. 28. Edw. 3. 10. Because of the errors, defaults, and misprisions, which be notoriously used in cities, boroughs, and corporations, for default of good governance, of the mayor, sheriff, and aldermen, cannot be inquired, nor found, by people of the same town, it is ordained, and established, that the said mayor, sheriffs, and aldermen, which have the governance of the said town, or city, shall cause to be redressed, and corrected, the defaults, errors, and misprisions above named, and the same duly punish, from time to time, upon a certain pain, that is to say, at the first default, a thousand marks to the king, the second default, two thousand marks, and at the third default, that the franchises, and liberties of the said town, be taken into the kings hand; it shall be enquired of by foreign inquests, of foreign counties, namely, the city of London, but all other cities, boroughs, and corporations, to be tried by foreign inquests, in the same town, which may be done by the punishment of judges, thereunto assigned by inquest, or indictment, and called to answer the same, out of their town, which fine is to be levied by attachment, and distress, and by exigent, if need be, upon any land, or tenements out of their town, belonging to any of them.

KING

KING EDWARD THE SIXTH,

Borne at Hamton Court, at the age of 9 yeares, began his raigne the 31. of January, 1546, crowned, at Westminster the 20. of February following. He raigned 6 yeares, 5 monthes, died, the 6. of Julie, buried, at Westminster.

Murder, &c.

(A) **S**TAT. 1. Edw. 6. 12. It is murder to strike with either blunt, or sharp weapon, if the party dye within a year and a day, and the blows given upon malice; neither shall clergy be allowed. See chap. 36. (A).

Viſtuallers, and handicrafts-men.

(B) Stat. 2. Edw. 6. 15. For as much as artificers, handicrafts-men, and labourers have made confederacies, and mutually ſworn, not onely that they ſhould ſell their viſtuals, at a certain rate, and not to meddle with one anothers work, and finiſh that which others have begun, but alſo, to appoint how much work they ſhall do in the day, and what hours, and times they ſhall work, contrary to the laws, and ſtatutes of this realm, and to the hurt, and great impoveriſhment of the kings ſubjects; for reformation whereof, the king ordains, that if any viſtuallers, or artificers aforeſaid, ſhall at any time combine, conſpire, or make any oaths, that they ſhall not ſell their viſtuals, at certain prices, or that artificers ſhall not work, but as abovesaid, being convicted, ſhall pay, in fix dayes, ten pounds to the king, or twenty dayes imprifonment, and fed onely with bread and water, if he have not ſufficient to pay the ſaid fine; for the ſecond offence, the pillory, or twenty pound, and for the third offence, ſhall forfeit



Engraved by W. Adley, from a Painting of Holbein in Kensington Palace.

EDWARD VI.

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forfeit forty pounds, or else be set in the pillory, and lose one of his ears, and shall be taken as an infamous man, and his sayings, and oath, not to be credited in matter of judgement; and if any such conspiracy, covenant, or promise be had, or made by any society, brotherhood, or company of craft-mystry, or occupation of the mysteries afore-mentioned, with the presence, or consent of the most of them, that then, immediately upon such act of conspiracy, covenant, or promise, had, or made, over and besides the particular punishment, before in this act appointed, for the offender, their corporation shall be dissolved, to all intents, constructions, and purposes; and that none do presume to hinder any free-mason, rough-mason, carpenter, bricklayer, plasterer, joiner, hard-hewer, sawer, tyler, pavier, glazier, lymeburner, brick-maker, tile-maker, plumber, or labourer, born in this realm, or made denison, to work in the said crafts, in any city, borough, or town corporate, with any person, or persons that will retain him, albeit the said persons, so retained, or any of them, do not inhabit, or live in the said town, &c. nor be free of the same city, &c. any statute, law, ordinance, or other thing to the contrary, upon forfeiture of five pound a time, half to the king, and half to the party suing, to be recovered by bill, &c. No wager of law, or protection, allowed, &c. See chap. 29. (E), 30. (F), 36. (A).

Robbing within a market of a fair, booth, tent, &c.

(c) Stat. 5. 6. Ed. 6. 14. Be it enacted, that no person, or persons which shall happen to be found guilty, after the laws of this realm, of, and for robbing any person, or persons, in any booth, or tent, in any fair, or market, the owner, his wife, children, or servant, then being within the same booth, or tent, shall not be admitted the benefit of his, or their clergy, but excluded thereof, and suffer death,

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death, without consideration, whether the said persons within, shall be sleeping, or waking. See chap. 47. (B), 49. (D), 51. (A), 11. (N).

Fore-stalling, regrators, ingrocers.

(D) Stat. 5. 6. Edw. 6. 14. The law being so good against these offenders, that I shall give Poultons exposition thereof, viz. They deserve to be reckoned amongst the number of oppressors of the common good, and publick weal of the nation, for they do endeavour to enrich themselves, by the impoverishing of others, and respect not how many losses, so they may gain.

They have been exclaimed of, and condemned in parliament, from one generation to another, as appears by many statutes, at least fourteen statutes, especially fore-stallers, as appears by 34 Ed. 1. when it was ordained, that no forestaller, should be suffered to dwell in any town, for he is a manifest oppressor of the poor, and deceiver of the rich, a publick enemy of the country, a canker, a moth, and a gnawing worm, that daily wasteth the commonwealth. And the name, and act of a forestaller was so odious, that it was moved in parliament, to enact, that a forestaller should be bated out of the town, where he dwelt, by dogs, and whipped forth with whips, (Newcastle would have been empty) and by this statute, it declareth who are offenders, and what punishment to be inflicted.

That whatsoever person, or persons, shall buy, or cause to be bought, any merchandize, victual, or other thing, coming by land, or water, towards any fair, or market, to be sold in the same, or coming towards any city, port, or haven, creek, or road of this nation, from any part, beyond the seas to be sold.

Or make any bargain, contract, or promise for the having, or buying of the same, or any part of the

the same, so coming as aforesaid, before the same merchandize, victual, or other things shall be in the market, fair, city, port, haven, creek, or road, ready to be sold; or shall make any motion by word, letter, message, or otherwise, to any person, or persons, for the inhansing of the price, or dear selling of any of the other things abovementioned; or else dissuade, move, or stir any person coming to the market, or fair, to forbear to bring any of the things abovementioned, to any fair, or market, city, port, &c. to be sold as aforesaid, shall be adjudged a forestaller, 13. Eliz. excepts oyls, sugars, spices, currans, or other foreign victuals, brought from beyond the sea, fish, and salt only, excepted.

A regrator, defined. What person, or persons shall by any means regrate, obtain, or get, into his, or their hands, or possessions, in any fair, or market within this nation, to be sold, any dead victual whatsoever brought thither for that purpose, and do sell the same again, in any fair, or market holden, or kept in the same places, or within any market, or fair, within four miles thereof, shall be reputed, and taken for a regrator, or regrators.

An engrosser, is he, or they which shall engrosse, or get, into his, or their hands, by buying, contracting by promise, taking other then by demise, grant, or lease of land, or tythe, any corn, growing in the fields, or any other corn, or grain, butter, cheese, fish, or other dead victuals whatsoever, within the nation, to the intent to sell the same again, shall be reputed, and taken, an unlawful engrosser, or engrossers.

If any person, or persons shall offend, in any of the things before recited, and being thereof duly convicted, or attainted thereof, by the laws of this nation, for the first offence, shall suffer two months imprisonment, without bayl, or mainprize, and forfeit the value of the goods, for the second offence, six months imprisonment, without bayl, or main-

prize, and lose double the value of the goods, and upon conviction of the third offence, shall be set in the pillory, where he dwells, in the same town, and lose all the goods, he, or they have, which was to their own use, and be committed to prison, during the king's pleasure. It is but *Mutatis, mutandis*.

Every justices of every county, is to enquire, and determine of the offences, in their quarter-sessions, upon inquisition, presentment, bill, or information, exhibited, and proved by two witnesses, the one half of the fine to the king, the other to the party discoverer.

What justice can be expected, or had in Newcastle, the mayors, justices, and burgeses, being the offenders, judges, (P) jurors in their own causes, and must be tryed in the same county, (T) themselves to have the fines, as by charter appears. * See stat. 21. k. James, 4. (T). See 10. chap. (L). (P), chap. 10. (R). (*) See stat. 5. Eliz. 12.

The town of Gates-head, and all liberties, given to Newcastle, &c.

(E) Stat. 7. Edw. 6, 10. There being *no* bishop of Durham, elected, nor any member of parliament, for that county, which the mayor, and burgeses of Newcastle, perceiving, petitioned the king, that the town of Gateshead, in the county of Durham, adjoining to their corporation, only the river of Tyne between, being populous, and without government, and often committing many outrages, in their town, and then got over the water, into the town of Gates-head unpunished, and that often they cast rubbish into the river, and also, that the bridge went to decay very much, which belonged to that town, humbly beseeching, that his majesty, would be graciously pleased, to incorporate that town, with them, under their government, with all its members, and salt-meadows, and park, and that it may be quite
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Engraved by W. Bullock, from a Painting in Westminster Abbey.

RICHARD II.

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taken from the county of Durham, and all the people therein, to become subordinate to their laws.

Be it enacted, that the whole town of Gates-head, with the salt-meadows, the whole water, and bridge, with all the liberties thereunto belonging, except the common, which shall still remain to the inhabitants, be incorporated with Newcastle, and disjoined from the county of Durham, as Newcastle was from Northumberland, by charter.

KING RICHARD THE SECOND,

Borne at Bourdeaux, sonne to Edward, prince of Wales, begann his raigne, the 21. of June, anno. Dom. 1377. He raigned 22 years, was deposed, and died, the 14. of Feb. 1399. First, buried at Langley, in Hartfordshire, and afterwards, at Westminster.

A free trade in all England.

(A) STAT. 11. Rich. 2. 7. and the 14. Rich. 2. 9. Be it enacted, that all merchants, aliens, and denisons, and all other, and every of them, of what estate, or condition they be, which will buy, or sell corn, wine averdepoize, flesh, fish, and all other victual, or other merchandizes, and all other things vendible, from whencesoever they come, in whatsoever place they please, be it city, borough, town, port, of the sea, fair, market, or other place within this realm, within franchises, or without, may freely, or without disturbance, sell the same to whom they please, as well to foreigners, as to denizons, except to the enemies of the king, and of his realm.

And

And if any disturbance be done, to any such merchant, &c. upon his fail of the same, in any of the places aforefaid, the mayor, and bayliffs of such franchizes, shall make remedy, but if they do not, and being thereof convicted, the franchizes shall be taken, into the kings hand, and the party grieving, shall make to the merchant grieved, double damages.

And if such disturbance be out of the franchized towns, then the steward, or bayliffe of such lord, who is lord of the mannor, shall give right, or pay double damages; the party offending shall be imprisoned, for one whole year, and that none such shall be disturbed, but shall freely buy, and sell, for his own use, or to the kings, &c. except that the merchant, aliens, shall carry no wines out of the realm, as it is contained, in their charters.

And that the said things be holden, kept, and performed, in every city, borough, town, port of the sea, or any other place, notwithstanding any charter of franchise, to them granted, to the contrary, nor usage, custome, nor judgement, given upon their charters, usages, nor customes, which they may alleage, which charters, usages, and customes, the said king, the grand-fathers, the prelates, earls, barons, and great men, and commons in parliament aforefaid, holds these said charters, &c. of no force, and as being things, granted, used, and accustomed to the damage of the king, the prelates, earls, barons, and great men of his realm, and great oppression of the commons, saving to the king, and to other, the customes due of the said merchandizes.

And the chancellor, treasurer, and justices, assigned to hold the pleas of the king, in places where they come, shall enquire of such disturbances, and grievances, and do punishment, according as is before ordained.

And

And by a statute, made the 25. Edw. 3. 2. it was ordained, and established, that the said statutes, made in the ninth year, chapter 1. in all points, and articles, contained in the same, should be holden, kept, and maintained, &c.

And if any charter, letters pattents, proclamations, or commandements, usage, allowance, or judgement were made to the contrary, the same should be utterly repealed, avoyded, and holden for none.

And that it is free for any whatever, that brings any provisions whatever, to sell the same, or other merchandizes, by grosse, or retail, either in the city of London, or any other port, city, borough, or town-corporate in England, without challenge, or impeachment, and to sell them freely, to any that will buy the same, notwithstanding any grant whatever, to the contrary, notwithstanding any franchise, custom used, since such franchises, and customs, usages, be in common prejudice to the king, and all people, &c.

And that no mayor, bayliff, catch-pole, minister, nor other, shall meddle in the sale of any manner of victuals vendible, brought to the places aforesaid.

And all men that will sue, may have a writ out of the chancery, to attach him by his body, that offends herein, as a disturber of the common profit, &c.

The king seeing cleerly if the said statutes were duly put in execution, would much extend to the profits, and wealth of the whole nation, do ordain, and establish, by assent of the prelates, dukes, earls, barons, great men, nobles, and commons, in this present parliament, assembled, that the said statutes, shall be firmly holden, kept, maintained, and fully executed, in all points, and articles of the same, notwithstanding any ordinance, statute, charter, letters pattents, franchises, proclamations, commandements, usage, allowance, or judgement be made,
or

or used to the contrary, it shall be utterly repealed, avoyded, and holden for none.

This statute was obtained, by a petition (worth reading) from all the nobles, and commons of England, as you may read, in the ninth of Edward the third, chapter the first, it laying open the great grievance of the whole nation, in parliament, of provisions, and other merchadizes, being engrossed into private hands, and restraining all others from trading, but themselves, &c. See chap. 29. (c), 30. (D), 32. (D), 35. (A), 38. (A), 51. (B.C).

This statute revived, would make England as happy as Venice, for riches, &c.

Merchant-strangers shall be well used.

(B). Stat. 14. Rich. 2. 9. Be it enacted, that merchant-strangers, repairing into the realm of England, shall be well, and courteously, and rightfully intreated, and governed in the said realm, to the intent, that they shall have the courage to repair into the same. See chap. 30. (B), 41. (A).

The duke of Venice, by tollerating a free trade, all the nobility, and gentry trades in merchandizings, which doth so improve his renew, that it maintains his wars, without other impositions, he being able to wage war with the most potentest prince that is, &c.

No customers to be traders, nor to have parts of ships.

(c) Stat. 14. Rich. 2. 10. The king ordains, that no customers, nor controulers have any ships of their own, nor meddle with the fraught of ships, and to eschew as well the damage of the king, of his customs, as the losse of the merchants, repairing to the port, as well aliens, as denizons; and that no customer, controuler, searcher, waiter, or finder, have any such office for terme of life, but onely,

as

as long as shall please the king, notwithstanding any patten, or grant to any, to the contrary, but such patten, or grants, be repealed, and of no force, nor value. Stat. 17. Rich. 2. See chap. (35).

Statute of mortmain.

(D) Stat. 15. Rich. 2. 5. Be it enacted, what mayors, bayliffs, and commons of cities, boroughs, and other towns, which have perpetual commonalty, and others, which have officers, that from henceforth, they shall not purchase to them, and their commons, any lands, &c. nor no religious, or other person, whatever he be,* do buy, or sell, or under colour of gift, or terme, or any other manner of title, any lands, tenements, upon pain of forfeiture of the same, whereby the said lands, and tenements, might have come to mortmain.

Riots, routs, &c.

(E) The 4. year, king Rich. 2. Riots, routs, and unlawfull assemblies, have been so many times pernicious, and fatal enemies, to the peace, and tranquility of the nation, that it did shake the foundation, and form of state-government, as that of a collector of a subsidy, at Dartford, in Kent, in his days, in requiring but a groat of a taylor, and his wife, grew to such a head of discontentment, and not being timely queld, became such a rebellion, that it put the king in great hazard of his life, the burning of the city of London, the nobles, and gentry, with the learned of the law, beheaded, and others, in hazard of their lives, and families overthrown, and the records of law burnt. Wat. Tyler was captain. See Hen. 6. (B). See chap. 37. (A).

QUEEN MARY.

Maria, nata Grenouici, 11. Febru. 1505, insipit, regnare, 6. Juli, 1553. Regnavit, 5 annos, et 4 mensis, obyt, annos nata, 45, et 9 mensis.

The town of Gates-head taken from Newcastle.

(A) **S**TAT. 1. Mary, chap. 3. So soon as bishop Tunstall was created bishop of Durham, laid open to the queen, and parliament, the illegality of Gates-heads being taken from the county of Durham, and incorporated with Newcastle, and how surreptitiously they got it past, by act of parliament, and humbly beseeched, that the town, and liberties of Gates-head, might be restored to the county of Durham again, which could not well be done, without that statute of the 7. Edw. 6. 10. were repealed. After a great debate in parliament, it was found onely a covetous disposition, in the corporation of Newcastle, to require that from king Edward the sixth, and in no wayes for the good of any, in any particular sense, who enacted, that the statute of the seventh of Edward the sixth, chapter the tenth, should be repealed, and of no force, to all intents, and purposes, and the town of Gates-head should be free, from the corporation of Newcastle, &c. See chap. 7. and chap. 8.

SWEET QUEEN.

QUEEN



Engraved by W. Baily, from a picture in the possession of the Earl of Oxford.

MARY I.



ELIZABETH.

QUEEN ELIZABETH.

*The most excellent princes Elizabeth, queene of Eng-
lande, France, and Ireland, defendor of the faith,
&c. She raigned 44 yeares, died, the 24. of March,
1602, aged 69, 6 monthes, and lieth buried, at
Westminster.*

How long apprentices should serve.

(A) **S**TAT. 5. Eliz. 4. Be it enacted, that all ap-
prentices, in every corporate town, through
England, shall serve, after the custome, and order
of London, the full term of seven years, at least, so
as the terme, and years of such apprentices, do not
expire, or determine, before such apprentices be of
the age of four and twenty years, at least; and if an
apprentice be mis-used, by the non-conformity of
the master, then, the next officer, upon complaint,
shall bind the master to answer the sessions, and the
cause appearing, the bench may discharge the ap-
prentice from his master. See chap. 55. (c).

The punishment of perjury, &c.

(B) Stat. 5. Eliz. 9. Be it enacted, that if any per-
son, or persons, at any time, shall unlawfully, and
corruptly, procure any witnesse, or witnesses, by let-
ters, rewards, or any other promises, to commit any
wilful, and corrupt perjury, in any matter, or cause
whatsoever, now depending, or which hereafter shall
depend, in suit, or variance, by any writ, action,
bill, complaint, or information, upon any matter,
or cause whatever, and being thereof convicted, shall
forfeit forty pound; and if he have not so much,
then to be imprisoned for half a yeer, without bail,
or mainprize, and to stand in the pillory, one hour,
in a market day, in the open market, and never to

be received as a witnesse, in any courts of record; and if judgement be given, upon his testimony, it shall be void, and the party grieved have his damages.

And if any person shall wilfully perjure himself, by committing wilful perjury, by his deposition in any courts, or being examined, *Ad perpetuam rei memoriam*, for which offence, he shall forfeit twenty pound, and imprisonment for six months, without bail, or mainprize, and never to be as a witnesse in any court, and that the oath shall be void, and party grieved to recover his damages; and if he be not able to pay his fine, then to be set in the pillory, having both his ears nayled thereunto, and never to be credited again in any court; the one half of the fine to the queen, and the other to the party grieved, that will sue for the same, by bill of indictment, &c. wherein there shall be no wager of law, &c.

And all witnesses are required, upon summons, to appear, to give evidence, reasonable charges allowed; and upon default, to forfeit ten pound, and all the damages sustained, to be recovered in any court of record, by action, bill, &c. No wager of law, &c. See stat. 21. k. James, 28. made perpetual. See chap. 31. (A), 34. (A.B), 42. (A).

Fore-stallors of corn, &c.

(c) Stat. 5. Eliz. 12. Be it enacted, that no person, or persons, shall buy any corn, out of open fair, or market, to sell again, unlesse such persons shall have special, and expresse words in a licence; that he, or they, may so do, upon pain of the forfeiture of five pounds, for so doing, which forfeiture to come to the queen, the one half, and the other half to the party that will sue for the same, by bill, &c. See stat. 5. 6. Ed. 6. 14. See chap. 50. (A), 51. (C).

Arrestings

Arrestings in other mens names, and delays, &c.

(D) Stat. 8. Eliz. 2. Be it enacted, by this present parliament, that if any person, or persons, shall by any means cause, or procure, any other person to be arrested, or attached, at the suit, or in the name of any person, where indeed no such person is known, or without the assent, consent, or agreement of such persons, at whose suit, or in whose name, such arrest, or attachment is, or shall be so had, and procured, that then, every such person, and persons, that shall so cause, or procure any such arrest, or attachment of any other person, to be had, or made for vexation, or trouble, and shall thereof be convicted, or lawfully accused, by indictment, presentment, or by the testimony of two sufficient witnesses, or more, or other due proof, shall, for every such offence, by him, or them committed, done, or procured, have, and suffer imprisonment of his, or their body, six months, without bail, or mainprize, and before a deliverance out of prison, shall pay unto the party, so arrested, or attached, treble the costs, and charges, damages, and expences, that he, or they shall be put unto, by reason, or occasion of such arrest, or attachment so had, and shall also forfeit, and pay unto such person, or persons, in whose name, or at whose suit, he, or they, shall so procure such arrest, or attachment to be had, or made, if then there be any such person known, the summe of ten pounds, for every such offence; and that all such persons, damnified thereby, shall have their remedy in any court of record, by bill, plaint, or action of debt, for all damages, &c. wherein there shall not be any essoyne, protection, or wager of law, allowed the defendant. See stat. 13. Ed. 1. 36.

The penalty of cutting of purses.

(E) Stat. 8. Eliz. 4. Whereas there are a certain people, of a fraternity, or brother-hood, that puts in practice that art, or mystery, of cutting of purses, and that do combine secretly, to spoyle the true subjects of this realm, be it therefore enacted, that whosoever be found guilty of taking away monies, &c. in such sort, from any person, or persons, shall not have the benefit of clergy. See chap. 12. (5), 39. (A).

Sheriffs fees for executing executions, &c.

(F) Stat. 29. Eliz. 4. Be it enacted by, this present parliament, that it shall not be lawful for any sheriff, or bayliff of franchises, or liberties, or any of the officers, or deputies, nor any of them, by colour, or reason of their, or either of their office, or offices, to have, receive, or take of any person whatever, directly, or indirectly, for the serving, and executing of any extent, or execution, upon the body, lands, goods, or chattels of any person, or persons whatsoever, more, or other consideration, or recompence, than as in this present act shall be limited, and appointed, which shall be lawful to be had, received, and taken, that is to say, twelve pence, of, and for every twenty shillings, where the summe exceedeth not one hundred pounds, and six pence, of, and for every twenty shillings, being over and above the said summe of one hundred pounds, that he, or they shall levie, or extend, and deliver in execution, or take the bodie in execution for, by vertue, and force of such extent, or execution whatsoever, upon pain, and penalty, that all, and every sheriff, &c. that do the contrary, shall lose, and forfeit to the party grieved, his treble damages, and shall forfeit forty pound, for every time so offending, the half thereof to the queen, and the other to the party suing, by bill, plaint, action, or information, wherein no essoyne, wager,

wager of law, or protection, shall be allowed. This statute not to extend to any city, or town corporate.

The poor to be set on work.

(G) Stat. 43. Eliz. 2. Be it enacted, by this present parliament, and the authority thereof, that all poor be set on work, by the church-wardens, or overseers, and such as will not work, being able, shall be sent to the house of correction. See chap. 38. (A.C).

Sheriffes punishable for false arrests, &c.

(H) Stat. 43. Eliz. 6. For the avoyding many suits commenced, according to the due course of the laws of this realm, to the intollerable vexation, and charge of her highnesse subjects, be it enacted, by authority of this parliament, if any sheriff, or other person, having authority, or taking upon him to break writs, or make any warrant, for the summoning of any person, upon any writ, proceffe, suit, or for arrest, or attaching of any person, or persons, by his, or their body, or goods, to appear in any of her majesties courts, at Westminster, or elsewhere, not having before, that originall writ, or processe, warranting the same, that then, upon complaint made to the justices of assize, of the county, where the same offence shall be committed, or to the judges of the court, out of which the process issued, not only the party that made such warrant, but all those that were the procurers thereof, shall be sent for, before the said judges, or justices, by attachment, or otherwise, as the same judges, or justices, shall think good, and allow of, and be examined thereof, upon their oaths; and if the same offence be confessed, by the same offenders, or proved, by sufficient witnesses, to the satisfaction of the same judges, or justices, that then the same judges, or justices,

justices, that shall so examine the same, shall forthwith, by force of this act, commit every of the same to the gaole, and there shall remain, without bayl, or mainprize, untill such time as they, amongst them, have fully satisfied, and paid unto the party grieved, by such warrant, not onely the summe of ten pounds, but also all costs, and damages, as the same judges, or justices shall set down, that the same party hath sustained thereby, and withall, twenty pound a peece, for their offence to her majesty. 21. king James, chap. 16. 3. king Charles, chap. 4. Dyer, fo. 244.

KING JAMES.

(A) **U**PON the seventh day of May, in the first year of k. James, a proclamation was proclaimed, throughout London, for to cease all exactions, all monopolies, and all protections whatever, that was against the common good, and that hindered mens suits at law, also forbidding oppression.

Stabbing or thrusting.

(B) Stat. 1. king James, 8. It is enacted, that if any person, or persons, shall stab, or thrust any person, or persons, that hath not then any weapon drawn, or that hath not then first stricken the party, which shall so stab, or thrust, so as the person, or persons, so stabbed, or thrust, shall thereof dye, within the space of six months, then next following, although it cannot be proved that the same was done of malice fore-thought, yet the party, so offending, and being thereof convict, by the verdict of twelve men, confession, or otherwise, according to the laws
of

of this realm, shall be excluded from the benefit of his, or their clergy, and shall suffer death, as in case of wilfull murder. Stat. Homicide (24).

Attornies abuses remedied, &c.

(c) Stat. 3. king James, chap. 7. Be it enacted, for redresse of fundry abuses, committed by attornies, and folicitors, by charging their clients with excessive fees, and other unnecessary demands, to the great prejudice of the serjeant, and counsellor at law, who is greatly slandered, and to work the private gain of such attornies, and folicitors, the client is often extraordinarily delayed, be it enacted, that for the future, that no attorney, folicitor, or servant to any, shall be allowed from his clyent, or master, of, or for any fee, given to any serjeant, or counsellor at law, or of, or for any summe, or summes of mony given for copies, to any clerk, or clerks, or officers, in any court of record, at Westminster, unlesse he have a ticket subscribed, with the hand, and name of the same serjeant, counsellor, clerk, or clerks, or officers aforefaid, testifying how much he hath received for his fee, or paid, or given for copies, and at what time, and how often; and that all attornies, and folicitors, shall give a true bill unto their masters, or clyents, or their assigns, of all other charges concerning their suits, which they have for them, subscribed with their own hand, and name, before such time, as they, or any of them shall charge their clyents, with any of the same fees, or charges; and that if any attorney, or folicitor do, or shall willingly delay his clyents suits, to work his own gain, or demand, by his bill, any other summe of mony, or allowance, upon his account, of any monies which he hath not laid out, or disbursed, that in every such case the party grieved shall have his action, against such attorney, or folicitor, and shall recover therein costs, and treble damage, and

the said attorney, or solicitor, shall be discharged from thenceforth, from being an attorney, or solicitor any more. See chap. 58. (A).

All monopolies, and dispensations, with penal laws, shall be void.

(D) Stat. 21. k. James, chap. 3. For as much as your most excellent majestie, in your royal judgement, and of your blessed disposition, to the weal, and quiet of your subjects, did, in the year of our Lord God, 1610, publish in print, to the whole realm, and to all posterity, that all grants, and monopolies, and of the benefit of any penal laws, or of power to dispense with the law, or to compound for the forfeiture, are contrary to your majesties laws, with your majesties declaration, which is truly consonant, and agreeable, to the ancient, and fundamental laws of this your realm; and whereas your majesty was further graciously pleased, expressly to command, that no suitor should presume to move your majestie, for matters of that nature, yet nevertheless upon mis-information, and untrue pretences of publick good, many such grants have been unduly obtained, and unlawfully put in execution, to the great grievance, and inconvenience of your majesties subjects, contrary to the laws, of this your realm, and contrary to your majesties royal, and blessed intention, so published as aforesaid; for avoiding whereof, and preventing the like, for the time to come, may it please your most excellent majestie, at the humble suit of the lords spiritual, and temporal, and the commons, in this present parliament assembled, that it may be declared, and enacted, and be it declared and enacted, by authority of this present parliament, that all monopolies, and all commissions, grants, licences, charters, and letters pattents heretofore made, or granted to any person, or persons, bodies politick, or corporate, whatsoever,

whatsoever, of, or for the sole buying, selling, making, working, or using of any thing, within this realm, or of any other monopolies, or of power, liberty, or faculty, to dispence with any other, to give licence, or toleration to do, use, or exercise any thing against the tenure, or purport of any law, or statute, or to give, or make any warrant, for any such dispensation, licence, or toleration to be had, or made, &c. and all proclamations, inhibitions, restraints, warrants of assistance, and all other matters, or things whatsoever, any way tending to the instituting, erecting, strengthening, furthering, or countenancing of the same, or any of them, are contrary to the laws of this realm, and so are, and shall be utterly void, and of none effect, and in no wayes to be put in use, or execution, &c.

Be it further enacted, &c. that all person, and persons, bodies politick, and corporate whatsoever, which now are, or hereafter shall be, shall stand, and be disabled, and incapable to have, use, exercise, or put in eue, any monopoly, or any such commission, grant, licence, charter, letters pattents, proclamations, inhibition, restraint, warrant of assistance, or other matter, or thing, tending as aforesaid, or any liberty, power, or faculty grounded, or pretended to be grounded, upon them, or any of them.

The party grieved, by pretext of any monopoly, &c. shall recover his, or their treble damages, and double costs, &c. and he that delayeth an action, grounded upon statute, incurs a premunire, which is exprest in the 16. Rich. 2. 5. shall be put out of the kings protection, and their lands, and tenements, goods, and chattles, forfeit to our lord the king, and their bodies to be attached, to answer the king, &c. (Charters, granted to corporations, saved). (Letters pattents, to use new manufactures, saved). (Grants, confirmed by acts of parliament, saved). (Warrants, granted to justices, saved). (Letters pattents, that concern printing, salt-peter, gun-powder, great ord-

nance shot, or offices, saved). Nor shall this statute extend, to void commissions, for allum mines, nor to the licenses of keeping taverns, making glasse, transportation of calves skins, nor for making smalt, nor for melting iron evre, with sea-coal, &c. provided also, and be it enacted, that this act, or any declaration, proviso, penalty, forfeiture, or other thing before mentioned, shall not extend, or be prejudicial to any use, custome, prescription, franchise, freedom, jurisdiction, immunity, liberty, or priviledge, heretofore claimed, used, or enjoyed, by the governors, and stewards, and brethren of the fellowship of the hoast-men, of the town of Newcastle upon Tyne, or by the ancient fellowship, guild, or fraternity, commonly called hoast-men, for, or concerning the felling, carrying, lading, disposing, shipping, venting, or trading of, or for any sea-coals, stone-coals, or pit-coals, forth, or out of the haven, and river of Tyne, or to a grant, made by the said governor, and stewards, and brethren of the fellowship of the said hoastmen, to the late queen Elizabeth,* of any duty, or summes of money, to be paid for, or in respect of any such coals, as aforesaid. Here the reader may see, that all these excepted, except to the justices, are allowed to be monopolies, and this last, the greatest that ever was. See chap. 11. chap. 8. (A), chap. 21. (A), parliament 1640.

*This is the grant of 1s. per chaldron, that they make the nation pay, &c.

Informations upon penal statutes shall be prosecuted, in the counties, where the offences are committed.

(E) Stat. 21. k. James, chap. 3. Be it enacted, that all informations, upon penal statutes, shall be prosecuted, in the counties, where the offences were committed, &c. upon default of proving that the offence was committed, in the same county, the defendant shall be found not guilty, &c. the informer shall make oath, that the offence was committed, in the same county, where the suit is commenced, &c.
The

The defendant, in an information, upon a penal statute, may plead the general issue, that they are not guilty, &c. Certain offences there be excepted, but may be tried elsewhere, &c.

This statute was made in favour, and ease of the people from coming to London, but it is the worst statute that ever was made, and much in favour of the offender, for the offender, in corporations, and sheriffs, are judges, and jurors, in their own cases, and the informer cast into prison, when the judges are coming to assizes, &c. so the judges cannot come to the knowledge of such offences, and the offenders not punished.

If that clause of the statute were repealed, which ties all informations to be tried only, and to be prosecuted in the same county, and this put in, that any may as well prosecute at Westminster, as elsewhere, would bring into the publick revenue, above a hundred thousand pound per annum.

Limitations of certain actions, for avoiding suits in law.

(F) Stat. 21. k. James, chap. 16. Be it enacted, that all actions upon the case (other then for slander) actions for account, actions for trespass, debt, detriment, and replevi for goods, or chattel, and the said action of trespass, *quare clausum fregit*, within six years next, after the cause of such action, and not after.

Action of trespass, of assault, battery, wounding, imprisonment, or any of them, within four years next, after the cause of such action, or suit, and not after.

And actions upon the case, for words, within two years next, after the words spoken, and not after.

That no person do enter into any lands, but within twenty years next, after his right, or title, which shall hereafter first descend, or accrue to the same, and in default thereof, such persons, so not
entring

entring, and their heirs, shall be utterly excluded, and dis-abled, from such entry, after to be made &c.

Provided, that if any person, or persons, be at the time of such cause of action, given, or accrued, fallen, or come within the age of one and twenty yeers, *feme covert*, *non compos mentis*, imprisoned, or be beyond the seas, that then such person, or persons, shall be at liberty to bring the same actions, so as they take the same within such time, as are before limited, after their coming to, or being of full age, discovert, of sound memory, at large, and returned from beyond the sea, as other persons, having no such impediments, should be done. Stat. 20. Hen. 3. 8. 3. Ed. 1. 38. 32. Hen. 8. 2. 1. M. 5.

The punishment of drunkards.

(c) Stat. 21. k. James, 7. &c. For preventing of that loathsome sin of drunkenness, enacted, that for every time any was drunk, should, within one week, after conviction, by the oath of one witness, pay five shillings to the church-wardens of the parish, for the use of the poor, and for want thereof in monies, to be set in the stocks six hours; and for the second offence, to be bound to the good behaviour. (See chap. 55. (B).

The ale-house keeper, which doth not sell by a full measure of a quart, shall, &c. and that shall keep any person, tipling, above one hour, shall forfeit ten shillings; and all brewers that shall deliver beer, to houses unlicensed, shall pay six shillings eight pence, for every barrel, &c.

KING CHARLES.

The petition of right.

(A) **S**TAT. 3. year of k. Charles, upon the second day of March, 1627. The lords spiritual, and temporal, and the commons, assembled in parliament, read the petition unto the king, the effect thereof was, that his majesty would declare, and grant, in open parliament, that none might be compelled, to make, or yeeld any gift, loan, or benevolence, tax, or such like charge, without common consent, by act of parliament.

That none be compelled to make answer, or take such oath, or to give attendance, or be confined, molested, or disquieted, for refusal of that.

Nor free-men be imprisoned, or detained, it being the right, and liberty of the subject, according to the laws, and statutes of England, and to declare your royal will, and pleasure, which the king did, in these words, (*Soit droit fait come est desire*) Let right be done as is desired). See 28. chap. 30. (B), 38. (C), 41. (A), 51. (C), 43. (D).

The star-chamber, and high-commission courts, voted down.

(B) Act 17. king Charles. The parliament dissolved the high-commission, and star-chamber courts, with the president, and council of the north, to the end, to abandon all arbitrary pressures, conceiving them to be the greatest of evils. The proceedings, censures, and decrease of those courts, have, by experience, been found to be an intolerable burden to the people, and the means to introduce an arbitrary power, and government, being contrary to the laws, and liberties of the land, &c. all which courts, and proceedings, shall cease, after the first of August,

August, 1641 being, absolutely dissolved, and taken away, &c. Be it further enacted, and declared, that neither his majesty, nor council have, nor ought to have any jurisdiction, power, or authority, by English bill petition, articles, libel, or any other arbitrary way whatsoever, to examine, or draw into question, determine, or dispose of the lands, tenements, hereditaments, goods, or chattels, of any of the subjects of this kingdom, but that the same ought to be tried, and determined, in the ordinary courts of justice, and by the ordinary course of the law, &c. and that from henceforth, no court, council, or place of judicature, shall be erected, ordained, constituted, or appointed, within this realm of England, &c. which shall have, use, or exercise the same, or the like* jurisdiction, as is, or hath been used, practised in the said court of star-chamber; and be it enacted, that if any, whoever they be, shall put in practice, any of the courts above named practices, shall, for such offence, forfeit five hundred pound, for the first offence, to the party grieved, one thousand, for the second offence, and for the third offence, shall be from thenceforth incapable, *Ipso facto*, to bear office, and disabled, to make any gift, grant, conveyance, &c. of any of his lands, &c. nor to have any benefit of them, &c. and shall pay to the party grieved, treble damages, to be recovered, &c. in any court of record, at Westminster, by action of debt, bill, plaint, or information, wherein no essoyn, protection, wager of law, ayd, prayer, privilege, injunction, or order of restraint, shall be in any wise prayed, granted, or allowed, nor any more then one imparlence, &c.

It will do the masters of ships no harm, to get five hundred pounds, for every oath they are forced to swear against themselves, to cut purses, to be imprisoned, without judgement of the law, arbitrarily fined, &c. all being done by the magistrates of Newcastle, &c. See chap. 29. chap. 26.

THE

THE PARLIAMENT.

Monopolies voted down, &c.

(A) 1640. The parliament were then so zealous, for the nations weal, that seeing what heavy yokes of bondage the people sat under, by monopolies, they fell to work on them, and voted down the pattents of tyn, soap, leather, salt, &c. as being infringers of the common right of the free-born; and the pre-emption of coals would have been the like, if any publick spirit had appeared, and presented that grand grievance, which more concerns the life of man, then any of the other, but I hope God will do it in due time. See stat. 21. king James 3. See chap. 44. (E).

All trade prohibited to Newcastle upon Tyne, &c.

(B) 9. Jan. 1642. Ordained, that all trade to Newcastle upon Tyne, for coals, salt, &c. be prohibited, upon pain of forfeiture, and confiscation of ship, and goods, by reason that town is conceived to be the principal inlet, of all foreign aid, and forces, for strengthening themselves against the parliament, tending to the destruction of the laws, and liberties of England.

An ordinance for a low price of coals, &c.

(C) Feb. and June, 42. and 43. Two ordinances were made, for setting a rate upon coals, at London; being so scarce, and enhanced to such a great rate, that all the poor were in a very sad condition.

Propositions to reduce Newcastle, &c.

(D) 5. June, 1643. An ordinance for reducing Newcastle, to the obedience of the parliament; being
C c garrisoned

garrisoned, and kept by papists, and other ill-affected persons, whereby the whole land suffers, for want of coals, so absolutely necessary to the maintenance, and support of life, which falls heavy upon the meaner sort.

Upon the 20. of June, the lord mayor, and court of aldermen, and common council, of the city of London, met at Guild-hall, and undertook the reducing of that town of Newcastle, from their malignancy, upon the propositions of parliament, whereby they were to be repaid, both principle, and use of all charges, out of the gentlemens estates of Northumberland, and county of Durham, (it was *summa injuria*, that these gentlemen should be destroyed, for the offence, and wickednesse of that corporation, who never yet suffered for the same, &c.).

Ordinances of Parliament.

(E) 12. May, 1643. Ordained, that there be a free, and open trade, in the ports of Sunderland, in the county of Durham, and Blithe, in the county of Northumberland, to relieve the poor inhabitants thereabouts, by reason of the rapines, and spoys, those enemies of Newcastle have brought upon them, in those two counties, they all being in great want, and extremity.

(F) 14. Novem. 1644. Ordained, that a free, and open trade be had to Newcastle, for coals, salt, &c. that corporation being won by the sword, with the scots, &c. These are breviated in the epistle to the reader, &c.

Notwithstanding all these sad events, which that corporation brought upon the people, in those northern counties, but the mayor, and burgessees, most of which were the transgressors, not in the least sorry, but still doth, with the highest hand of arrogancy, and pride, tyrannize over the people, in those counties, not admitting them to improve their estates, but
casts

casts them into prison, &c. The oppressed cries for relief, and could never be heard.

(G) 17. June, 1649. An act of parliament passed, for fail of kings lands, and queens, &c. by vertue whereof was surveyed in lands, mils, and tenements, to the value of two thousand pounds per annum, and returned to Worcester house. I leave the rest to the examiner, &c. The particulars, I have, &c.

(H) — 1650. An act of parliament, constituting a council, for regulating of trade, throughout England, &c. and were to sit at White-hall, where there was a legal tryal had against Newcastle, and were overthrown, as by the report, which was drawn up, by the said council, to be reported, to the parliament, as appears, &c.

(I) Anno 1653. The parliament impowred a committee, for regulating of trade, and corporations, through England, &c. when more charge was brought in against the evill practice of the said corporation, appears, &c.

All that is desired, is a free trade in the river of Tyne, according to the purport, and true meaning of that stat. 11. Rich. 2. 7. The taking away what is bad, in that corporations charter, the river preserved, and men from being imprisoned, without judgement of law.

Now to give some reasons against this arbitrary power.

AS Sir Walter Raleigh, being to give a character of Henry the eighth, prefaceth his description, with this introduction, *If all the pictures, and patterns of a merciless prince, were lost in the world, they might all again be painted to the life, out of the story of that king.*

So having given the world an account of the most unchristian, illegal, oppressive practices of the magistrates of Newcastle, upon the people of this nation, whose either neighbourhood, or calling, or condition of life, necessitate them to an intercourse with them, either by way of traffique, or any other way, though forced into that port, and harbor, by distres of weather, tempest, or any other accident, incident to those that go down to the seas in ships, and occupie their busineses in the waters; reflecting on their actions, I may safely say of them, as that noble knight did, of that king, *If all the pictures, and patterns of a cruel, and merciless people, were utterly lost in the world, they might be all painted to the life, out of this narrative*, setting out the illegal oppressions, arbitrary exactions, barbarous murthers practised, and committed, by the magistrates of Newcastle, both on their neighbors, and the free people of this nation.

There are two rules, or canons in scripture, upon which all the commandements of the second table, (and consequently, all the duty of man to his neighbor) do depend.

The first is, *Quod tibi fieri non vis alteri ne feceris*, *What thou wouldst not have another do unto thee, that thou oughtest not do unto another.* This rule, well observed,

served, prevents all injury, and wrong; for while a man frames his own actions, towards his neighbor, according to that pattern, which, in his own breast, he shapes to his neighbor, to perform unto himself, hee will do no injury, because he would receive no injury; and this is the ground of that command, or precept of our Saviour, *Thou shalt love thy neighbor as thyself.*

The second rule is, *Whatsoever yee would that men should do unto you, even do yee unto them. Mat. 7. 12.* and this rule stirs us up to all beneficence, and doing good to our neighbor; for as to prevent injuring another man, a man should aske himself, would I that another man should do to me, as I am about to do unto him? and so, love to himself, will prevent hatred to another; so to confer favors, and to do good unto another, a man should aske himself, would I require this boon, this favor, this good turn from another, if I stood in need of it, as my neighbor doth, and I were in his condition? and would the granting, or doing this favor, be most acceptable to me, and lay an eternal obligation upon me? Hence, love to a mans self, will kindle his bowels of compassion to his brother, and will dispose him willingly to do that good unto another, which, if occasion served, he would willingly receive from another.

These men of Newcastle regulate themselves, in all their actions here charged upon them, and fully proved, by oath of men, of undoubted integrity, neither by the one rule, nor by the other; for they do not onely do those injuries, and wrongs, which they would not take, but they deny those favors, which they would, if occasion served, willingly receive; nay, they do not onely deny to do those favors themselves, which, not onely, by the law of christian charity, but even by the dictate of nature, and common humanity they are bound to perform, but they hinder, and deter those that would do them,
and

and violently prosecute, fine, and imprison those who have relieved them, and without their present help, had ship-wracked in the very haven, and perished, under the expectation of a delayed assistance.

It would not be amiss for the honest burgeses to protest against the dishonest, to the end, the innocent may not suffer for the nocent; their oath is not to uphold such actings.

I shall not accuse all incorporations, as established monopolies, but certainly the corporation of Newcastle, as it is managed by those men, is, of all monopolies, the most oppressive, and consequently the most odious monopolie; rendered so by those injurious, destructive, illegal priviledges, which, against all law of God, and man, they have made, and indulged to themselves, and accordingly, are rigorously practised by them. But that their monstrous practices may more clearly appear, to all the world, what hath been scattered, and divided, by necessary interweaving of proofs, and depositions, statutes, and laws, and other supplements, I shall here contract, into a narrow compass, and present them, *Brevi quasi tabellâ*, unto the view of the world. Their tyranny, and oppression, may be reduced to these heads.

First, *False Imprisonments*, without any tryal of law, or offence committed; (pag. 77. 95. 61. 82. 90. 92. 99. 91. 109. 64. 87. 113. 95) When the chief priest, and elders of the jews, desired Festus, on their information, barely to pass sentence upon St. Paul, (though a heathen judge) he returns them this answer, *It is not the manner of the Romans, to deliver any man to die, before that he, which is accused, have the accusers face to face, and have licence, to answer for himself, Act. 25. 16.* On the injustice, and unreasonableness of this course, doth Nicodemus oppose the chief priests, and pharisees, in the behalf of Christ, *Doth our law, (saith he) judge any man, before it hear him, and know what he hath done, John 7. 51. (p. 166. c).* This way of proceeding, in judicatory, is most repugnant, both to the law of nature, as you see in the Romans law, and, also, to the law of God, which positively determines, *One witness*

ness shall not rise up against a man, for any iniquity, or any sin, that he sinneth; at the mouth of two, or three witnesses, shall the matter be established, Deut. 19. 15. and if God would not have any man, to be condemned, in any judicatory, by the testimony of one witness, but by the joynt attestation of two, or three, at least, as is evident, by this text of scripture, and by many concurrent places of divine writ, as *Numb. 35. 30. Deut. 17. 6. Mat. 18. 16. John, 8. 17. Heb. 10. 28. 2. Cor. 13. 1.* How much less would God approve of such tyrannical proceedings, to condemn a man, without any witness at all, or ever permitting the person accused, to take up an apology, or just defence for himself.

Secondly, *Forcing men to swear against themselves,* (pag. 64. 78. 92. 93. 94. 97. 98. 109.) How highly were the hearts of this nation inflamed? what indignation did they conceive against the practices both of the star chamber, and high commission, heretofore, (pag. 93.) as laying an unsupportable yoke upon the necks of the people, by the tender of the oath, *ex officio*? Hath all the nation freed themselves from this bondage, by a good law, so that elsewhere no man is compelled to testifie against himselfe, or where other witnesses fail, inforced to accuse himself? and must they onely, that come under the jurisdiction of the magistrates of Newcastle, remain inflaved under the same bondage? Is this tyranny lawfull at Newcastle, that is exploded, and cast off every where else?

Nay, that which infinitely heightens their oppression, and wickedness, is this, that those reasons which were alledged, to justifie this practice, (pag. 191. 94. 93. 92. 109.) both in the star chamber, and high commission, have no place of pretension here. There the zeal of justice, to let no sin go unpunished, and the glory of God, in the sinners confession, and accusing of himself, as Joshua abjured Achan, *My son, give I pray thee glory to the Lord God of Israel, and make*

make confession unto him ; and tell me now, what thou hast done, hide it not from me, Josh. 7. 19. was alleged as an instance, to justify their proceedings, where otherwise the offender could not be discovered, either by evidence of the fact, or testimony of witnesses ; but here, by an oath, they compel men to reveal the secrets of their hearts, to rise up in judgement against themselves, for no other end, but by their own confession, to make them guilty, and then invade their fortunes. First, they make themselves masters of their consciences, (pag. 92. 114. 106.) and by that make themselves masters of their estates. Covetousness, and not zeal of justice, or Gods glory, is the principle from whence they act.

Thirdly, *Imposing fines arbitrarily*, (p. 25. (F), 34. (R), 47. 48. 64. 90. 91. 92. 95. 97. 98. 99. 124. 26. 116. 117. 17. 18. and then, no wonder if they be excessive, exceeding both the merit of the crime pretended, or the ability of the offender. How great a temptation is it to justice, to be severe, and rigid in its sentence, when the punishment of the offender is the enriching of them that pass the sentence ? (Nay, the judges themselves are the grand offenders, and go unpunished), (p. 83. 84. 85.) and so it is here at Newcastle. (p. 87. (Q), p. 97. (C), p. 96. (H), p. 109. (D), p. 116.) One reason that induced some sages of the law to affirm, that the latter kings of England, had divested themselves of their power, to sit personally in their courts of justice, and delegated it to, and invested the judges of the respective benches therewith, was, because, in imposing of fines, the king was both a judge, and party interested, not only as the fountain of justice, to be administered unto the people, but as the person into whose exchequers, and treasury, the laws of England paid their fines. But the magistrates of Newcastle enjoy those privileges, which were thought unbeseeming the kings of England. They are both judges, and parties. They

They estimate the offence, and receive the fine; and then how frequently covetousness, and self-interest, sit on the bench, in the place of justice, (p. 38.) the world may easily judge; as appears in the case of Lewis Frost, and unjust judge Bonner, hee having two-pence half-penny of all ballast, and the other catchpole Bonner, to arrest the refusers.

Fourthly, Obstructing all indeavours for grant of a market at North Shields, six miles from Newcastle, and in another county, and 12 miles from any other market, in the same county, and then robbing people of their commodities, in their own markets, and seizing on goods, carried through their town, alledging forraigne bought, and forraigne sold. Markets were for conveniences, and not for ingrossing all provisions, and peoples lives, (p. 92.)

Fifthly, For imprisoning poor artificers (p. 90. 91. 86.) for working in their own trades, at the town of Shields, though in another county, and detaining them, untill they enter into bond never to work there again, which is to engage themselves, to abandon, and renounce that calling wherein they were brought up, to expose themselves, their wives, and children, to want, and beggary, or else to turn vagabonds, (p. 183.) and desert the place of their habitations, being by these mens tyranny, necessitated to leave their callings, or their dwellings. What sad fate hangs over the poor inhabitants of this town, to be deprived of the common privileges of englishmen, shall I say? nay despoiled of the common privileges of mankind, *In the sweat of their browes to eat their own bread, Genesis 3. 19.* and to yeild obedience to that precept of St. Paul, *Let him labour, working with his hands the thing that is good, that hee may have to give to him that needeth, Ephesians 4. 28.* Or that of the same apostle, *1. Thes. 4. 11.* and *2. Thes. 3. 10. 11. 12.* The character of Newcastle, or rather indeed the usurped power of the magistrates there, supercedes the commandments of

D d

God,

God. *Let every man, faith St. Paul, abide in the same calling wherein hee is called, 1. Cor. 7. 20.* If hee doth, say the magistrates of Newcastle, he shall not abide in Shields, nor in the neighbourhood of our corporation; as if they were a limbe of the beast; so that no man may work, (p. 77. 78. 168.) or buy, or sell, save he that hath their mark, *Revel. 13. 17.* That is, unlesse hee be a member of that freedome, which ingroffeth so much freedome to themselves, that they leave no freedome at all to their poor neighbours. (p. 111.)

Sixthly, p. 74. 75. 82. (A), 90. 91. 79.) Imprisoning all that are not free of their corporation, that shall indeavour to save ships in distresse, from perishing in the river, and when they are sunk, for want of help, seizing the goods of the masters, and also imprisoning their persons (78) many months. Let the world wheresoever it is most savage, most barbarous, shew such an instance of such an aggregation of injustice, oppression, and cruelty as this; and (as wee say, let them carry their coals) *If not to save life bee to kill, and if not to doe good, when an opportunity is offered unto us, is to doe evill*, as, in our Saviours doctrine, certainly it is, *Mark 3. 4.* then not to save a ship, (p. 70.) I, and perhaps the mariners, and passengers lives too, (77. 78.) when they have an opportunity, nay, when they are earnestly intreated, and their help implored, is in Gods accompt all one, as if they had sunk the ship, and drowned the men, (p. 86). Hee that doeth not prevent a mischief, when it is in his power to doe it, is, in Gods accompt, the contriver, and the author of it; but that which is the great aggravation of their oppression, in this kind, and heighteneth it beyond any parallell is, they deny all help to ships in distresse (p. 76. 77.) that so making ship wrack, (p. 19. 20. 74. 75. 76. 77. 78. 87. 79. 81. 90. 91.) That which in this is usually alleged to take off from the horridnesse of their tyranny is, viz. that they must send for

for help from Newcastle, signifies nothing; Newcastle being seven miles from that harbour of Shields. *Whilst the grasse grows, the steed starves*, as the proverb tells us; and while help is expected, the ship is lost.

If these men could command the wind, and seas, not to rage, and swell, but be hushed into a calme, and the river kept from friezing (p. 63. 84. 85. 109. 112. 77. 78. 79. 80. 81. 82. 83.) untill they sent down help from Newcastle, their reply might be admitted; but since the wind, sea, and ice, are not controllable by their charter, what abominable tyranny, what savage inhumanity, is it to deny ships in distresse, such help as is at hand, to preserve themselves; cases of necessity make voyd proprieties, that which without the case of necessity is theft, in the case of necessity is not theft.

Men doe not despise a thief, if hee steale to satisfy his soul when hee is hungry, Proverb. 6. 30. and the law faith, when thou comest into thy neighbours vineyard, thou maist eat grapes thy fill, at thine own pleasure, Deut. 23. 24. In case of extreame necessity, that all things are common, is the joynt opinion of all divines. This is the law of nature, and therefore not to be over-ruled, by any positive law, of any kingdome, or common-wealth; for in these cases of extream necessity, the person in this condition, taking that which is anothers, is not guilty of theft, for *Jure suo utitur*, as the casuists determine, hee doth but make use of his own right; nor doth it come under the definition of theft, which is, *taking away that which is another mans, without his consent*; for as necessity alters the property, and makes it his own, so while he makes use of his own right, the other *tenetur consentire*, is bound to give his consent, and to acquiesce in the others injoyment of it. And therefore, in all positive laws, whereby property is distinguished, there is none of them, which hold in case of extream necessity; and shall extream ne-

cessity entitle a man to a part of another mans real possession, by which there is *Damnum emergens*, some damage, or diminution of the goods, and possession of the owner, and yet free the invador from all imputation of injustice, or usurpation.

And shall not a poor master of a ship, in case of extream necessity, (p. 77. 78. 76. 109. 79. 74. 80.) dispence with the privileges, and charter of Newcastle, which at most, can be but *lucrum cessans*, a suspension of their privileges, and gaine, and make use of such helps, for his preservation, as Providence affords, without running the danger of sending for, and waiting the help from Newcastle; without the ruine of those that save him? Shall not extream necessity, which is an apology for all the world, bee his just apology, to plead his excuse in this case, and free him, and his helpers, from the tyranny, and persecution of the magistrates?

3. The prophet *Isaiab*, tels us of some magistrates that were *companions of theeves*, *Isaiab* 1. 23. *Ezekiel* tels us of others, that were *like evening wolves, ravening for their prey*, *Ezekiel* 22. 27. and *Zephany*, of others, that were *like roaring lyons*, *Zeph.* 3. 3. If any man doubt, whether these characters of oppressive magistrates, be applicable to these of Newcastle, I shall say no more to them, than our Saviour did to Nathaniel in an other case, *Come and see*, *Joh.* 1. 46.

Seventhly, Prohibiting gentlemen, and others, in the counties, both of Northumberland, and Durham, to sell their coales to ships, to be transported to London, compelling all owners of colleries, to sell their coals to themselves first. If any shall presume to sell their coals, immediately to the ships, without taking them in the way, they seize upon such coals, upon pretence that the owners of the coals are not free of their corporation, (pag. 21. 22. 100. 101. 98. 99. 102. 103. 104. 49. 84. 82. 81. 40. 193. 165. (D). And if this be not a monopoly, of as high

high a nature, and producing as ill effects, and those of as large extent, as any, that (to the great content, and satisfaction of the nation) hath been abolished, let the * world judge. A welch pedigree, doth not descend by more steps, and degrees, than the property of their coals is varied, while it is derived from the owner of the collery, unto him that at last buyes the commodity, to spend it, as well trades as others. The owners of colleries, must first sell the coals to the magistrates of Newcastle, the magistrates to the masters of ships, the master of ships to the woodmongers, or wharfingers, and they to those that spend them: Every change of the property adding to, and enhancing the price of the coals, thus interchangeably bought, and sold; which course, as it picks some money out of the purses of every man, that buys coals, besides bad * coals being thereby * Which now as the case stands, the city is cheated in buying of flates as well as coals. p. 59. vented, so it grinds the faces of the poor, who in these latter years, by reason, mainly of this monopolizing of them, have found it as hard a matter to fortify themselves against cold, as against hunger, (p. 111.) whereas, if the owners of every collery had free liberty, to sell (p. 124.) his coals to ships immediately, Tinmouth haven, would afford two hundred thousand chaldrons of coals in the year more than now are vented, which would reduce the late exorbitant excessive rates of coals, in the city of London (p. 64. 65. 81.) to under twenty shillings a chalder, all the year, winter as well as summer, and bring into the common treasury above forty thousand pounds per annum, (p. 60. 100. 101. 103.) Some owners of coal-pits, will rather let their pits be fired, like those at Benwell, and consume, than let their coals to the magistrates of Newcastle. If the coal-owners, in each county, from whence all coals come, should be as refractory to the magistrates, in denying their coals, as the magistrates are to the masters, (pag. 104. 99. 100. 98.) few, or none would be brought to London, or any revenue raised.

Eighthly,

Eighthly, Forcing all ships, up the river six miles, amongst dangerous sands, shelves, and the bulks of sunk ships, (p. 74. 75. 76. 77. 78. 84. 99. 100.) that so they may cast out their ballast, upon their shoars, and all for the greediness of receiving eightpence, for every tun of ballast, which hath occasioned the spoyl, and loss of many ships, to the utter undoing of the masters, and owners of the ships, and the destruction of the lives of many poor seamen, and mariners, whose blood will be required at their hands, who put them on those dangers, in which they perished; besides their choaking up the most part of that river, by forcing the ballast up their sandy hills, near the said town of Newcastle, many thousand tuns whereof is blown, and washed down into that river, (p. 83. 84). They will neither preserve the river, nor let doctor Swinbourn, vice admiral for the county of Durham, doe it, who hath fined some of the magistrates hundreds of pounds, for damages, &c.

Lastly, Countenancing their officers in their oppressions, nay, in their very murthers, as in the case of Thomas Rutter, with others, who having forfeited their lives to justice, for killing Ann, the wife of Thomas Cliff, of North Shields, was, by their power, and favor, rescued from that death, which they justly deserved, (p. 86). God would not suffer his altar to be a sanctuary to a wilful murderer, neither would king John, their patron, (p. 38). *If a man come presumptuously upon his neighbor, to slay him, thou shalt take him from mine altar, that he may die, Exo. 21. 14.* The law of England defines what murder is, (p. 168). *Blood defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it, Numb. 35. 33.* When therefore God shall make inquisition, they that staid him, that offered violence to the blood of his neighbor, and should have gone to the pit, *Prov. 20. 17.* will be found to communicate in
this

this murder, and involved in the same guilt, with him that committed it, but the good God be merciful to them, that have not approved, or consented to this wickedness; For *though our eyes did see this blood yet our hands did not shed it*; and therefore let every one that would wash his hands clean, from that blood, pray, as God prescribed, *Be merciful, O Lord, unto thy people Israel, whom thou hast redeemed, and lay not innocent blood unto thy people Israels charge, Deut. 21. 7. 8.*

Thus have I given you a short view of the tyrannical oppressive practices of the magistrates of Newcastle, whose sin receives no small aggravation from their office, and calling, in that they are magistrates, whom God hath furnished with authority, to that end, that they might prevent, and redress injuries, done by others, and *execute wrath upon evill doers, Rom. 13. 4.* So that in their oppressions, they sin against the very end of their calling, they transform the very image of Gods power, and justice, which they sustain, into the image of Gods enemy, Satan, whom herein they resemble, and become, after a sort, wickednesses in high places, as the devils are; for amongst them, as much as any where, is that of Solomon verified, *I saw under the sun, the place of judgement, that wickedness was there, and the place of righteousness, that iniquity was there, Eccles. 3. 16.* And although attempts hitherto, and all endeavors, for redress of these oppressive courses, have proved abortive, and fruitless, no man compassionating the people with Saul, so much as to aske, *What ayleth this people, that they weep, 1. Sam. 11. 5.* No, after many addresses, petitions, remonstrances, and suits at law, being stifled by the instigation of corrupt persons, then in power, and obstructed, by the mutability, and changes, we have too just reason to complain with Solomon, *Behold the tears of such as were oppressed, and they had no comforters, and on the sides of their oppressors there was power, but they, the oppressed*

oppressed, had no comforter, Eccles. 4. 1. Yet at this time we are not without good hopes, but that the cries of the poor, and the oppressed, will enter into the ears, and hearts of this present power, That they will be as a hiding place from the winde, and a covert from the tempest, as rivers of water in a dry place, as the shadow of a great rock in a weary land, Isa. 32. 2.

But if our hopes now fail us, we must sit down, and sigh out that of Solomon, *If thou seest the oppression of the poor, and violent perverting of judgment and justice in a province, marvel not at the matter, for Hee that is higher than the highest regardeth, and there be higher than they, Eccles. 5. 8.*

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